
(2018) 09 DEL CK 0017

In the Delhi High Court

Case No : Test.Cas. 63 Of 2016 Ia No.12887 Of 2017

Amarjot Singh

APPELLANT

Vs

State Of Nct Of Delhi

RESPONDENT

Date of Decision : 06-09-2018

Acts Referred:

Indian Succession Act, 1925 — Section 276

Citation : (2018) 09 DEL CK 0017

Hon'ble Judges : Yogesh Khanna, J

Bench : Single Bench

Advocate : Nishant Singla

Final Decision : Diposed Off

Judgement

YOGESH KHANNA, J.

1. Petitioner, the son of the deceased has filed this petition under Section 276 of the Indian Succession Act, 1925 for grant of probate of the

registered Will dated 14.06.2007 executed by late Shri Tarlochan Singh "the father of the petitioner."

2. The petitioner was appointed as an executor of the registered Will dated 14.06.2007. The testator expired in New Delhi on 03.11.2015. The said

Will is witnessed by Mr. R.S. Kohli and Mr. Harjeet Singh Malik and is duly registered in the office of the Sub-Registrar VII, Vikas Sadan, New

Delhi.

3. As per averments made in the para No.9 of the petition, there are six legal heirs of the deceased including the petitioner herein and all of them have

filed their affidavits consenting grant of probate in favour of the petitioner.

4. Upon filing of this petition, notice was issued to the Chief Revenue Controlling

Authority to file the valuation report in respect of the immovable properties as detailed in the Will. The said valuation report has since been filed on record.

5. Vide order dated 22.02.2018 following issues were framed:-

1) Whether the Will dated 14.06.2007 is the last legal and validly executed Will of late Sardar Tarlochan Singh? OPP

2) Relief.

Petitioner was directed to file the evidence by way of affidavit.

6. In this case, three witness have been produced by the petitioner to prove his case.

7. PW1 Smt.Sarita Gautam, Assistant Section Officer from the Sub Registrar Office, Vikas Sadan, New Delhi was summoned and examined,

who produced the original record pertaining to Will dated 14.06.2007 and proved the certified copy thereof as Ex.PW1/A after seeing such original

record.

8. PW2 Sh.R.S.Kohli, - an attesting witness of the Will has filed his affidavit Ex.PW2/X and proved Ex.PW2/1 - the death certificate of testator

and identified his signatures as an attesting witness on the Will Ex.PW1/A.

Ex.PW2/4 is an affidavit of another attesting witness of the Will namely Shri Harjeet Singh Malik; and Ex.PW2/5 is an affidavit of the witness (PW2)

himself.

9. PW3 Shri Amarjot Singh petitioner himself has proved his affidavit Ex.PW3/X and also proved Ex.PW2/1 viz. the death certificate of his

father / testator of the Will and relied upon Will Ex.PW1/A. He also proved document Ex.PW2/4 viz an affidavit of another witness namely Shri

Harjeet Singh Malik; and Ex.PW2/5 viz the affidavit of PW2 both filed in support of the petition.

10. In the circumstances, where the other legal heirs of the testator have already filed their affidavits of No Objection for grant of probate in

favour of petitioner in respect of the estate left behind by the petitioner; there being no challenge either to the petition or to the testimonies so adduced

on behalf of the petitioner, hence the Will dated 14.06.2007 is held to be validly executed Will of the deceased and there exist no impediment in grant

of letter of probate in favour of petitioner in respect of the registered Will dated

14.06.2007, qua the properties of deceased mentioned therein.

11. In view of above, the issue No.1 is decided in favour of the petitioner.Â Â

12. Consequently, the probate of Will dated 14.06.2007 qua estate of deceased, per Annexure-A, is granted in favour of the petitioner and he is

appointed as an executor to administrate the estate of the deceased as per his wishes contained in the Will.

13. Registry to issue the probate, as per valuation so received and available on record from the concerned SDM and upon paying the requisite stamp

duty etc and also upon furnishing administration bond and a surety (bond) by the petitioner.Â

14. In view of the above, the petition stands disposed of. The pending application also stands disposed of.Â Â

No order as to cost.