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IN THE HIGH COURT OF DELHI AT NEW DELHI

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PROBATE CASE NO.7 OF 2007

Date of decision: 26th August, 2008

Rakesh Bhargava & Ors.

..... Petitioners

Through: Mr. Kalyan Vadlamani, Advocate.

Versus

State of NCT of Delhi

..... Respondent

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HON'BLE MR. JUSTICE H.R. MALHOTRA

1. Whether the Reporters of Local Papers may be allowed to see the judgment?
2. To be referred to the Reporters of not?
3. Whether the judgment should be reported in the Digest?

No

H.R. MALHOTRA, J. (ORAL)

1. This petition is filed by the petitioners under Section 276 of Indian Succession Act, 1925 read with Section 151 CPC for grant of probate of Will dated 3.10.2001 executed by Late Sh. Uma Kant Bhargava in respect of shares as detailed in the petition as also in the Will.

2. Facts giving rise to this petition are that Sh. Uma Kant Bhargava passed away in Delhi on 26.3.2006 and executed a Will during his life time on 3.10.2001 and the petitioners in this case were appointed as executor of the Will. It is further the case of the petitioners that he left behind four legal heirs, namely, Hema Bhargava (wife), Rakesh Bhargava (son), Amit Bhargava (son) and Rajul Bhargava (son). What else is stated in the petition is that at the

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time of his demise, Late Sh. Uma Kant Bhargava possessed following movable and immovable assets :-

"(a) 400 Shares with a face value of Rs.100/- amounting to Rs.40,000/-, fully paid up, held in Adventure Country Resorts Ltd. bearing Share Certificate No.0203440 A, Folio No.A015230.

(b) 16,798 Equity Shares held in Taxmann Publications (Pvt.) Limited valued at Rs.100/- per share amounting to Rs.16,79,800/-.

(c) 69,843 Equity Shares with a face value of Rs.10/- each, amounting to Rs.6,98,430/- held in Taxmann Allied Services (P) Ltd; and

(d) 5,24,738 Equity Shares with a face value of Rs.10/- each, amounting to at Rs.52,47,380/- held in Tan Prints (India) (P) Ltd."

3. Probate is sought in respect of the shares which are set out in Annexure D of this petition.

4. Notice of the petition was sent to the State and also to the Collector. It was also published in the newspaper "Statesman" inviting objections from the public, if any but no body came forward to file any objections against this Will.

5. This being so, the petitioners were called upon to prove their case by adducing evidence by way of affidavit. All the four petitioners gave their affidavits in support of the Will and the contents thereof.

6. Attesting witnesses of the Will, namely, Sh. D.K. Sharma, Advocate and Sh. Sanjeeva Narayan also gave their affidavits by way

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of evidence confirming that the Will was executed in their presence and they further state that the deceased at the time of execution of the Will was of sound health.

7. I have heard learned counsel for the petitioners and have also looked into the averments made in the petition and the Will Exhibit PW5/A. I have also looked into the affidavits of all the petitioners including that of the attesting witnesses. Since there is no opposition to this petition and also the petitioners have proved their case by filing evidence by way of affidavit and two attesting witnesses have also duly proved the execution of the Will as provided under Section 67 of the Evidence Act, I am satisfied that there is no impediment which restricts the petitioners from grant of probate of the Will, even otherwise, there is no contest against the petitioners and the case is duly proved by attesting witnesses as also by the petitioners. In view of this, the petitioners are entitled of grant of probate in respect of assets left behind by the deceased.

8. Accordingly, the petition is allowed and disposed of.

9. List before Joint Registrar for completing the formalities regarding payment of court fees, etc., on 17th October, 2008.

AUGUST 26, 2008
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[H.R. MALHOTRA]
JUDGE

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- nothing filed

IN THE HIGH COURT OF DELHI AT NEW DELHI

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I.A.15822/2008 in TEST.CAS. 7/2007

SHRI RAKESH BHARGAVA AND OTHERS

..... Petitioners

Through: Ms. Vandana, for
Mr. Jawahar Lal, Advocate.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: None.

CORAM:**HON'BLE MR. JUSTICE S. RAVINDRA BHAT****ORDER**

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09.07.2009

The applicant seeks appropriate directions for valuation of the 400 shares of testator Late Shri U.K Bhargava.

This Court had granted probate by order dated 26.8.2008 subject to valuation of the properties. The will of the testator had bequeathed inter alia shares of the Adventure Group of Companies. The applicant submits that the said company went into liquidation and relies upon the response of the Official Liquidator, Mumbai who has filed a copy of the Bombay High Court's order dated 26.09.2001, directing provisional liquidation of the said company.

Applicant submits that Late Shri U.K. Bhargava did not have the details about the extent and holdings of the shares and relies upon a

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letter written by Late Mr. U.K. Bhargava on 16.02.2005. It is believed that he was the owner of 400 shares and a copy of that letter has been produced along with the share certificate in respect of 12% cumulative redeemable preference shares. The letter indicates that the late testator was owner of 400, ¹ 12% redeemable preference shares of the face value of Rs.100/-.

In view of the averments and having regard to the documents and further that the Adventure Group has been directed to be wound up, evident from the order of the Bombay High Court, the Court is of the opinion that application deserves to be allowed. Accordingly, the shares in question i.e. 400 shares of the Adventure Group which is now in liquidation, are permitted to be valued at Rs.100/- each at their face value.

Application is allowed in the above terms.

 JULY 09, 2009

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S. RAVINDRA BHAT, J