

*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ TEST.CAS. 58/2006

Reserved on : February 12, 2008
Pronounced on : February 15, 2008

SMT. KRISHNA TEWARI Petitioner
Through Mr.C.S.Yadav with Mr.Pratyosh
K.Yadav, Advocate.

versus

STATE & ORS. Respondent
Through Mr.D.P.Mishra, Advocate for
respondents No.2 to 4.

CORAM:

MR. JUSTICE S. RAVINDRA BHAT

- 1. Whether reporters of local papers may be allowed to see the judgment?**
- 2. To be referred to the Reporter or not?**
- 3. Whether the judgment should be reported in the Digest?**

Mr. Justice S. Ravindra Bhat

1. This is a petition filed under Section 276 of the Indian Succession Act 1925 for grant of Probate concerning the will and testament dated 4th May 2002 of Late Shri Narendra Kumar Tiwari hereafter referred to the “Testator”.

2. The Petitioner submits that the Testator died living behind four legal heirs namely; Ms. Krishna Tiwari, the (wife of the Testator); Ms. Anumeeta Gupta (daughter); Mr. Anupam Tiwari (Son) and Ms. Vandita Tiwari (daughter). It is averred in the petition that a testator who died on 13th November, 2002 at New Delhi executed his last will and testament on 4th May 2002 and appointed his wife, the present petitioner, as the executrix for the said will in relation all movable and immovable properties left by him.

3. The petitioner avers that the Will was executed in the presence of Sh. Suneel Sharma R/o 1179, Sector A Pocket B, Vasant Kunj, New Delhi and Sh. Shailesh Dayal R/o 20/124, 2nd Floor, Vikram Vihar, Lajpat Nagar –IV, New Delhi – 110 024; they attested it in the presence of each other. Further it is averred that under the said Will all movable and immovable properties belonging to the testator have been bequeathed to the petitioner. Details of these properties have been enlisted in Schedule A to the petition and are as follows:

IMMOVABLE ASSETS

1. *SFA DDA Flat bearing No. D2-2008, Vasant Kunj, New Delhi*

LIST OF MOVABLE ASSETS

1. *Shares of M/s Unitech – 450 in number*

2. *Shares of M/s. Tata Iron & Steel Co. Ltd., -21 in number*
3. *Shares of M/s. Maharashtra Seamless Ltd., - 150 in number*
4. *Shares of M/s. JBF Industries Ltd., - 100 in number*
5. *Shares of M/s. Reliance Natural Resources Ltd., - 50 in number*
6. *Shares of M/s. Reliance Communication Venture Ltd., - 50 in number*
7. *Shares of M/s. Pasupati Acrylon Ltd., -237 in number*

4. The other three legal heirs have filed affidavits recording their no objection to the grant of Probate of all movable and immovable properties to the petitioner. Pursuant to the direction of the Court notice to the public at large was published in the news paper “The Statesman”, Delhi Edition on 12th November 2006 and the same has been placed on record. The other legal heirs also appeared in Court through their counsel Mr. Awanish Sinha and reiterated the no objection affidavit filed them. The petitioner has filed the original copy of the Will (Exhibit PW 1/2) as well as the Death Certificate of the Testator. The affidavits of the attesting witnesses are on record. Both have also deposed as PW-2 and PW-3 about the testator signing the Will; in their presence and their attesting it at that time.

5. From the above discussion it is clear that the will made by Shri Narender Kumar Tiwari whereby he bequeathed all movable and immovable properties listed above in

favour of his wife the present petitioner, has been duly proved. It is also clear that the other relations of the Testator have no objection to the grant of Probate to the Petitioner, appointed by the Testator as the Executor of the Will.

6. In the light of the above I accept the Will (Exhibit PW1/2) executed Shri. Narender Kumar Tiwari and grant Probate of the same to the petitioner, subject to valuation report, and payment of the necessary Court fee. The petitioner shall also execute administration bond and surety bond.

7. The petition is allowed in the above terms.

**S. RAVINDRA BHAT
JUDGE**

FEBRUARY 15, 2008