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* **HIGH COURT OF DELHI : NEW DELHI**

+ **Probate Case No.4/2009**

Date of decision : 6th July, 2009

Ms. Richa Kapur & Anr.

...Petitioners

Through : Mr. Rajiv Aneja, Adv.

Versus

The State (NCT of Delhi) & Anr.

....Respondents

Through : Mr. D.R. Bhatia, Adv. for
Respondent No.2

Coram:

HON'BLE MR. JUSTICE MANMOHAN SINGH

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

MANMOHAN SINGH, J. (Oral)

1. The present petition has been filed under Section 276 of the Indian Succession Act, 1925 for the grant of probate/letters of administration of the Will dated 6.8.2002 in respect of the estate of the deceased late Sh. Surinder Mohan Kochhar by the petitioner No.1 who is the daughter of the sister (i.e. late Smt. Achla Kapur) of the deceased and by the petitioner No.2 who is the daughter of another sister (i.e. Smt. Shashi Kanta Puri) of the deceased.

2. It is stated that the deceased Sh. Surinder Mohan Kochhar s/o

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of Late Shri Sakander Lal Kochhar R/o S-473, Flat NO.3, Greater Kailash-II, New Delhi died at Delhi on 31.12.2007 and the deceased at the time of his death had a fixed and permanent place of abode at Delhi i.e. S-473, Flat No.3, Greater Kailash-II, New Delhi where he used to reside with the petitioner No.1 in her house. The death certificate is annexed alongwith this petition.

3. Sh. Surinder Mohan Kochhar made and executed a will dated 6.8.2002, duly registered on 7.8.2002 as document No.5546, Vol. No.3 Addl. Book No.1038 on pages 70-71 in the office of sub Registrar, Delhi which was his last will and testament. The will dated 6.8.2002 was duly executed by late Sh. Surinder Mohan Kochhar, the testator in the presence of the witnesses namely Mr. Paramjeet Singh s/o Sh. Ranjeet Singh R/o A-27/F-1, Block-A, Dilshad Garden, Delhi and Mr. Lalit Kumar Malik, Advocate, Res.-cum-office B-119, West Patel Nagar, New Delhi-110008. The testator Surinder Mohan Kochhar was of sound disposing mind at the time of the execution of his last will and testament.

4. By virtue of the said will, the testator bequeathed his entire estate in favour of the petitioners in equal shares. The petitioners are the only legatees and beneficiaries of the last will and testament of the deceased.

5. The amount of the assets of the deceased are annexed with the petition in Schedule B to E. It is mentioned in the petition that during his life time, the deceased had disposed of his residential

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property situated at E-36, Greater Kailash-II, New Delhi-110048.

6. Apart from the petitioners, the deceased left behind as the legal heirs, Smt. Shashi Kanta Puri, sister of the deceased and Mr. Avinash Kochhar, son of brother of the deceased and Smt. Geeta Bansal (daughter of the sister of the deceased).

7. The petitioners are claiming the probate of the will/letter of administration and have filed this petition being the executrixes appointed by the will as aforesaid.

8. Smt. Shashi Kanta Puri respondent No.2 herein filed Test Case No.11/2008 however, the said petition has become infructuous as she filed an affidavit on 28th May, 2009 stating that she has no objection to the grant of probate of the will as prayed for in the petition. The next date of hearing in this case is 14th July, 2009.

9. Vide order dated 27th February, 2009, Local Commissioner was appointed to obtain the original will dated 6.8.2002 of Sh. Surinder Mohan Kochhar from locker No.1222 of Punjab National Bank, G.K. part-II, New Delhi in the present test case. The said original will has now been filed on record.

10. Notice in the present case has been served on all the legal heirs on 27th February, 2009 and public citation was also issued in respect of the other close relatives of the deceased in the 'Statesman' English edition dated 3rd April, 2009. However, no objections are raised by any other legal heir/other relatives. Learned counsel for the respondents has made the statement before court on 6th July, 2009 that

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the respondents have no objection if the probate is granted.

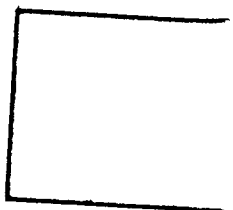
11. Smt. Shashi Kanta Puri (also known as Smt. Kanta Puri), respondent No.2 herein also filed an affidavit in this court on 28th May, 2009 stating that she has no objection to the grant of probate of the Will as prayed for in this petition.

12. From the perusal of the Will, it stands proved that the Will was validly and duly executed by the testator and is his last and genuine Will. The petitioners have been appointed as the executrixes of the Will by the deceased testator to inherit all the movable assets of the deceased in equal shares. In view of above, the probate of Will is granted in favour of the petitioners.

The petition stands disposed of.

JULY 06, 2009
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MANMOHAN SINGH, J.



Fresh IA No. 12100/09
4/3/157 CPC
- For withdrawal of money

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

+ Probate Case No.4/2009

Ms. Richa Kapur & Anr.

..... Petitioners

Through: Mr. Rajiv Aneja, Adv. for Petitioner
No.1
Mr. Kamal Nain, Adv. for Petitioner
No.2

versus

The State (NCT of Delhi) & Anr.

..... Respondents

Through: None.

CORAM:**HON'BLE MR. JUSTICE MANMOHAN SINGH**% **ORDER**
26.11.2010**IA No.6919/2010 & IA No.15849/2010**

These applications have been filed by the petitioner No.1 for extending the duration of the Administration Bond by another six months and three months respectively.

Heard. For the reasons stated in the applications the same are allowed and time is extended till 28th February, 2011 to furnish the Administration Bond.

The applications are disposed of.

IA No.13276/2010 (U/s 151 CPC)

The present application has been filed by the petitioners under Section 151 CPC for directions. After granting the probate of order dated 6.7.2009 on the basis of Will dated 6.8.2002 in favour of the

petitioners, following assets were discovered by the petitioners in ordinary course of dealing with various authorities :

- (a) The Punjab National Bank has released all the monies lying in the accounts held by the deceased including the FDR 1467005500413037 (Rs.2953) & FDR 1467005500413046 (Rs.1998) which were discovered during settlement of claim on the basis of probate.
- (b) Fortis Investment Management (India) Pvt. Ltd. (formerly managed by ABN AMRO Mutual Funds) Folio NO.134103/47 (M09G, Tax Advantage ELSS Growth), present holding lying in the above said folio held by the deceased is 15793.071 units instead of 10000 units as mentioned at the time of filing of the present petition.
- (c) The deceased had registered for a housing scheme with Air Force Naval Housing Board, Air Force Station, Race Course, New Delhi. The scheme was cancelled and cheque No.001879 (Rs.6770; Vijaya Bank) was issued by the Air Force Naval Housing Board, in favour of the deceased as refund of deposit amount. The said un-cashed cheque was submitted by both the petitioners to the Air Force Naval Housing Board for release of the said amount in their favour in equal shares.

Liberty was also sought by the petitioners to amend the schedule of assets in case of their discovery which were not mentioned at the

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time of filing of application and also sought the direction from this Court to the authorities for release of the said assets in favour of the petitioner No.1 and petitioner No.2 in equal shares. Ordered accordingly.

As prayed, the petitioners are granted two weeks' time to pay the necessary stamp duty in this regard. IA is disposed of.

IA No.8088/2010 (U/s 151 CPC)

The present application has been filed by petitioner No.2 under Section 151 CPC for direction from this Court to the banks wherein the assets of the deceased are lying as detailed in Schedule E to the petition for their distribution in equal proportion in favour of both the petitioners in terms of the order dated 6.7.2009, as modified by this Court in the orders dated 18.9.2009, 3.11.2009, 10.11.2009 and 21.5.2010. The petitioner No.2 is also seeking various other directions from this Court in this regard. In the main order dated 6.7.2009 this Court has already granted the probate in favour of both the petitioners. Therefore, they are entitled to the assets of the deceased which is to be distributed in equal proportion. No further directions are required. IA is disposed of.

NOVEMBER 26, 2010
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MANMOHAN SINGH, J.