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

+ TEST.CAS. 4/2013

% *Judgment dated 05th October, 2016*

INDER KRISHAN SETH

..... Petitioner

Through : Mr.Manish Kumar, Mr.Piyush Kaushik
and Mr.Nakul Jain, Advs.

versus

STATE

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

G.S.SISTANI, J (ORAL)

1. Present petition has been filed by petitioner under Section 276 of the Indian Succession Act, 1925, seeking probate of the Will dated 31.01.2006 in respect of the estate of late Ms.Meera Puri, who died at Delhi on 22.11.2012.
2. Present petition has been filed by the petitioner through his Attorney. Copy of the Special Power of Attorney dated 8.12.2012 thereby appointing and nominating Ms.Deepti Vashistha, as his Special Attorney, to obtain probate/letter of administration with respect to the aforesaid property has been placed on record. The Special Power of Attorney dated 8.12.2012 has been exhibited as Exhibit PW-3/1.
3. It may be noticed that there is no named executor in the Will dated 31.1.2016 of late Ms.Meera Puri and, thus, probate cannot be granted in terms of Section 222 of the Indian Succession Act and the present petition would, thus, be treated as a petition for grant of Letters of Administration under Section 278 of the Indian Succession Act, 1925.

4. Notice in this petition was issued to the State. Citation was published in the daily, '*The Statesman*' English Edition and '*Dainik Jagran*' Hindi Edition, inviting objections. Notice was also issued to the Chief Revenue Controlling Officer to file the valuation report. No objections have been received. As noticed in the order dated 6.12.2013, citation in respect of both the newspapers and the valuation report have been received.
5. As per the petition, late Ms.Meera Puri, who was unmarried, died at Delhi on 22.11.2012. During her life time, the mother of late Ms.Meera Puri, Mrs.Kailash Puri, who died on 13.1.2006, bequeathed her property bearing no.27-A, MIG Flat, Pocket C, Ashok Vihar, Phase III, Delhi, besides other movables and deposits, to late Ms.Meera Puri vide Will dated 23.8.2004. Further, as per the petition, late Ms.Meera Puri during her life time executed the Will date 31.1.2006. Late Ms.Meera Puri also executed a declaration dated 25.2.2011 declaring thereby that she was not married and had no natural or adopted children or any legal heir to claim any right, title and interest in her estate. Late Ms.Meera Puri had also declared that upon her demise, her movables and immovable property including all investments made by her would be transferred in the name of the petitioner herein. Copy of the declaration has been filed along with the petition. It is also averred in the petition that Late Ms.Meera Puri was in her sound disposing mind, she was mentally alert and fit to execute and propound the Will dated 31.1.2016.
6. The petitioner has filed affidavit by way of evidence of Ms.Deepti Vashistha, which is marked as Exhibit PW-3/A. As per Exhibit PW-3/A, Mrs.Kailash Puri, the mother of late Ms.Meera Puri, had executed her last Will dated 23.8.2004 and bequeathed all her properties (movables and immovables) in favour of Ms.Meera Puri. Mrs.Kailash Puri had predeceased Ms.Meera Puri on 13.1.2006. Ms.Deepti Vashistha has

further testified that late Ms.Meera Puri was unmarried and during her life time and she had executed her last Will dated 31.1.2006. During her life time, late Ms.Meera Puri had also executed the declaration dated 25.2.2011. It is further deposed that late Ms.Meera Puri was in sound disposing mind and was mentally fit to execute the Will. Ms.Vashishtha has also deposed that the Will dated 31.1.2016 has been attested by Mrs.Raminder Kaur and Mr.Arun Prakash, who are the family friends of late Ms.Meera Puri. Ms.Vashistha has also testified that the petitioner herein is the sole beneficiary in respect of the estate of late Ms.Meera Puri.

7. The petitioner has also filed affidavit by way of evidence of the attesting witness, Mr.Arun Prakash, which is marked as Exhibit PW-1/A. In Exhibit PW-1/A, Mr.Prakash has testified that he had seen late Ms.Meera Puri writing and signing the Will dated 31.1.2016. Mr.Prakash has also identified and verified the signature of late Ms.Meera Puri appended on her Will dated 31.1.2006 at points marked as 'A', 'B' and 'C'.
8. The petitioner has also filed the affidavit by way of evidence of the other attesting witness, Mrs.Raminder Kaur, which is marked as Exhibit PW-2/A. Ms.Kaur has deposed on the lines of Mr.Arun Prakash. The petitioner has also filed an additional affidavit dated 3.10.2016 of Ms.Kaur wherein she has testified that late Ms.Meera Puri had died on 22.11.2012 at Max Super Speciality Hospital, New Delhi, and she had seen late Ms.Meera Puri signing the Will dated 31.1.2006, which she had also signed, being one of the attesting witnesses in the presence of late Ms.Meera Puri. She has also testified that Ms.Meera Puri was unmarried and had no legal heirs.
9. I have heard learned counsel for the petitioner and carefully examined the affidavits by way of evidence filed by the petitioner. Having regard to the

evidence placed on record and taking into consideration that no objections have been filed, I am of the view that there is no legal impediment for grant of letter of administration. Accordingly, present petition is allowed. Letter of Administration shall be granted in favour of the petitioner. Petitioner is directed to furnish necessary court fee. Since the petitioner is the sole surviving member, the filing of administrative/surety bond is dispensed with.

10. Petition stands disposed of in above terms.

G.S.SISTANI, J

OCTOBER 05, 2016

msr