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

+ **TEST.CAS. 4/2008**

SHRI GAURAV KUKREJA Petitioner
Through: Mr. Akshay Makhija, Advocate.

versus

STATE & ANR Respondents
Through: Mr. Abhishek Puri, Advocate.

CORAM:
HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER
% **30.05.2016**

TEST.CAS. 4/2008 and I.A. No. 6893/2016

1. This probate petition is filed by Sh. Gaurav Kukreja, son of late Sh. Lekh Raj Kukreja, seeking letters of administration of the Will dated 16.8.1990 of his father late Sh. Lekh Raj Kukreja.
2. Late Sh. Lekh Raj Kukreja died on 6.8.2007 leaving behind his Will dated 16.8.1990 and which is duly registered before the concerned sub-registrar. Respondent No. 2 is the sister of the petitioner and today an application is listed being I.A. No. 6893/2016 by which respondent No. 2 prays for liberty to withdraw the objections.

3. The application is therefore allowed and respondent No.2's objections to the grant of letters of administration is taken as withdrawn.

4. Petitioner has led the evidence of one attesting witness, namely, Mr. Y.P. Bakshi who is witness No. 2 in the said Will and he has deposed that the Will was signed in his presence and that of the other attesting witness by late Sh. Lekh Raj Kukreja and both the attesting witnesses signed in the presence of late Sh. Lekh Raj Kukreja. This attesting witness has also deposed that late Sh. Lekh Raj Kukreja was in sound disposing mind when the Will was executed.

5. Petitioner has also filed his own evidence by way of affidavit wherein he has deposed with respect to his father leaving behind the subject Will dated 16.8.1990 and also late Sh. Lekh Raj Kukreja being of sound disposing mind when he made the Will dated 16.8.1990. Petitioner has also deposed that besides him, late Sh. Lekh Raj Kukreja left behind only one legal heir, namely, the respondent No. 2 who is the sister of the petitioner and daughter of late

Sh. Lekh Raj Kukreja. It is noted that late Sh. Lekh Raj Kukreja had married Smt. Raymon Kukreja who was divorced from late Sh. Lekh Raj Kukreja in terms of the judgment and decree of divorce granted by the District Judge, Chandigarh on 3.5.1999. A copy of this decree has been proved and exhibited as Ex.PW1/1.

6. In view of the above, the Will of late Sh. Lekh Raj Kukreja dated 16.8.1990 is proved as Ex.PW4/1. Since the petitioner has succeeded in proving the Will of late Sh. Lekh Raj Kukreja, let letters of administration be issued in favour of the petitioner with respect to the Will dated 16.8.1990. Letters of administration are letters of administration with the Will annexed.

7. Plaintiff need not give any administration bond/surety bond as the petitioner is the sole legal heir entitled to succeed in the property of late Sh. Lekh Raj Kukreja.

8. On petitioner complying with the other formalities, including payment of Court Fees, Registry will issue the necessary probate in favour of the petitioner.

9. Petition is allowed and disposed of in the aforesaid terms.

VALMIKI J. MEHTA, J

MAY 30, 2016

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