

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

% *Judgment reserved on :02.05.2017*

Judgment delivered on : 04.05.2017

+ TEST.CAS. 13/2009

THE REGISTRAR DELHI UNIVERSITY

..... Petitioner

Through Ms. Beenashaw Soni, Adv.

versus

STATE

..... Respondent

Through Mr. Siddharth Dutta, Adv for R-1.

Mr. Rajeev Sharma and Ms. Shalu
Lal, Adv for R-2.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

INDERMEET KAUR, J.

1 This petition seeks probate of a Will of deceased Savitri Uggrasain dated 25.08.2001. The petition has been filed by the Registrar, University of Delhi who was the executor of the said Will. The deceased was wife of late Uggrasain who had died on 03.03.2005. She was a resident of F-17, Hauz Khas Ecnlave, New Delhi (subject matter of probate petition). In her Will dated 25.08.2001, she has described it as her last Will and Testament. She

had detailed her assets both moveable and immoveable. Her immoveable assets comprised of the suit property. Her moveable assets are various jewellery and bank deposits, details of which find mention in para 6 of the petition beside other equipments like a television, VCR, paintings etc. In terms of this Will, the asset which has to come into the hands of the petitioner is the aforementioned immoveable property. The valuation report qua this property had been obtained from the Sub-Division Office; this property has been valued at Rs.1,66,67,226/-.

2 The petition further avers that at the time of her death, the deceased was a widow. She had died issueless. She left behind other close relatives who are the legal heirs of her deceased husband who have also been arrayed as parties i.e. respondents No. 2 to 8. The Will has been attested in the presence of two witnesses; it is duly registered. Probate petition has accordingly been filed.

3 The memo of parties reflects that the list of surviving close relations of the deceased include the five siblings of her deceased husband; Inder Jit, Vikaram Jit, Styajit and Brahamjit are the brothers of her deceased husband. Rani Taneja is her sister. Anuradha Sen Gupta and Arun Chaudhary are the legal representatives of the brother of her pre-deceased husband. All the

respondents have been served. This had been noted in the order dated 02.06.2011.

4 On 23.08.2011, the Court had noted that no one has filed objections. Matter had been listed for ex-parte affidavit by way of evidence. In the course of these proceedings, the affidavit of PW-1 was taken on record. PW-1 was an attesting witness to the said Will. The said Will had been proved as Ex.PW-1/1. PW-1 on oath stated that this Will had been executed by deceased Savitri Uggrasain in her presence and in the presence of second attesting witness Bharat Deepak. She had identified the signatures of the deceased at point 'A' on Ex.PW-1/1. Her signatures were identified at point 'B' and that of the second attesting at point 'C'. The thumb impressions of the deceased were proved at point 'D'. PW-1 had stated that she recognized the signatures and thumb impression of the deceased; the second attesting witness had also signed in her presence; further deposition being that the deceased was in a sound disposing mind at the time when she had executed this Will. There was no cross-examination effected of this witness inspite of opportunity given.

5 Sonia Jain (PW-2) from the office of Sub-Registrar had proved the registration of this Will which stood registered in the record of the Sub-Registrar, Vikas Sadan, New Delhi.

6 The affidavit of Registrar of University of Delhi (PW-3) was also taken on record. He had filed this probate petition. He had proved the death certificate of the deceased as Ex.PW-3/1.

7 Today before this Court, learned counsel for respondents submits that they have filed objections and attention has been drawn to an objection dated 16.12.2009 filed by Inderjit and Vikaramjit as also another objection dated 07.04.2010 filed by Vikaramjit. A perusal of these so called objections show that there are no objection to the Will. There is no averment in these objections which anywhere states that the testator had not executed the Will or that the Will was not valid or genuine. There is no such objection taken. Learned counsel for the respondents submits that they are not really challenging the Will. They have no dispute qua the Will; the only submission is that the object and terms of the testament as also the true intent of the testator be implemented in letter and spirit; the money which shall accrue from the proceeds of the said property should be used by the petitioner for the purpose as has been entailed in the Will. This direction sought for by the

respondents appears to be wholly acceptable to the petitioner who submits that the intent of the testator shall be implemented in true letter and spirit.

8 The petitioner is accordingly granted a probate of the Will dated 25.08.2001 subject to his furnishing the Court Fee and Administration Bond along with two sureties in accordance with law.

9 No further orders are called for in this petition. It is disposed of.

MAY 04, 2017

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INDERMEET KAUR, J

