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

% Decided on: 11th September, 2017

\+ **TEST. CASE 26/2016**

KIRAN NADAR ..... Petitioner

Represented by: Mr. Parag Maini, Advocate

versus

STATE & ORS. .....Respondents

Represented by: Mr. Sandeep Bajaj and Ms. Aakanksha Nehra, Advocates

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

MUKTA GUPTA, J. (ORAL)

1. By the present petition, the petitioner seeks grant of probate/Letters of Administration on the basis of the Will in relation to the estate of Late Smt. Prem Mohini Tandan alias Mohini Tandan in favour of the petitioner and respondent Nos. 2 to 6

2. Briefly stated, the deceased, Smt. Prem Mohini Tandan alias Mohini Tandan, died on 25th December, 2015. The deceased is survived by following class-I heirs namely her daughter Kiran Nadar (petitioner), son Gokul Tandan (respondent No.2), daughter-in-law Ritu Tandan (respondent No.3), granddaughter Sagarika Tandan (respondent No. 4), grandson Zai Tandan (respondent No. 5) and granddaughter Roshni Nadar (respondent No.6). During the lifetime of the deceased, she made her last Will dated 14th June, 2008 and named the petitioner as the executor of the Will.

3. An affidavit by way of evidence has been tendered by the petitioner Kiran Nadar (PW-1) vide Ex. PW-1/A. She also exhibited copy of death certificate of Smt. Prem Mohini Tandan alias Mohini Tandan issued by

South Delhi Municipal Corporation as Ex. PW-1/1 and the Will executed by the deceased as Ex. PW-1/2. It is stated that by virtue of the Will, the deceased bequeathed all her assets both movable and immovable as set out in paragraphs 1 to 11 of the Will in favour of petitioner and respondent Nos. 2 to 6. The schedule of the properties (both movable and immovable) was exhibited as Ex.PW-1/3. The valuation report by M/s. Ramesh Chandra & Associates in relation to immovable properties was exhibited as Ex.PW-1/6 and the valuation certificate by Purushotaman Bhutani & Co, Chartered Accountants with respect to movable property (shares) as Ex. PW-1/7.

4. No objection certificates have been filed by respondent Nos. 2 to 6.

5. Affidavits by way of evidence have also been filed by Mr. Bhupendra Singh Tomar and Mr. Kundan Singh, the two attesting witnesses to the Will dated 14th June, 2008, who appeared as PW-2 and PW-3 and exhibited the same as Ex. PW-2/A and Ex. PW-3/A respectively.

6. The tabular devolution of the immovable and movable assets in favour of the petitioner and respondent Nos. 2 to 6 is as under:

DETAILS OF ASSETS BEING DEVOLVED UPON THE PETITIONER UNDER WILL DATED JUNE 14, 2008

S.No.	*Details of the Assets (Immovable and Movable)*
1.	*50% share in the farm land admeasuring 2 acres (bearing district no. 73 & 87, covered by khasra no./rectangle no. 73, Kila No. 15 min, Kila No. 16 min, Kila No. 25, Rectangle No. 87, Kila No. 5 min, Khewat No. 54, Khata No. 75, total rakba 2445 kanal 8 marla ka 320/48908 share measuring 16 Kanal), Aravalli, Gurgaon, Haryana*

2.	*HCL Technology Shares in the Demat Account No. 10324229 with Stock Holding Corporation of India. (To be continued to be shared between the Petitioner and the Respondent No. 2 in equal proportion).*
3.	*Share of Mrs. Prem Mohini Tandan alias Mohini Tandan in Demat Account No. 18262228 with Stock Holding Corporation of India in Demat Account No. 18262228 (As per Will, all the shares of Late Mrs. Prem Mohini Tandan alias Mohini Tandan in the Demat Account No. 18262228 shall be continued to be owned and held jointly by the Respondent No. 2 and the Petitioner.)*
4.	*1 Hasli Set to petitioner.*
5.	*2 (Two) Ruby Rings and diamonds to Petitioner.*

<u>DETAILS OF ASSETS BEING DEVOLVED UPON THE RESPONDENT NO.2 UNDER THE WILL</u>

S.No.	*Details of the Assets (Immovable and Movable)*
1.	*50% share in the residential property (Flat), Third Floor bearing No. S-35, Panscheel Park, New Delhi- 110017 in favour of the Respondent No.2 for his life time and after that to the Respondent No. 4.*
2.	*All shares of Late Mrs. Prem Mohini Tandan alias Mohini Tandan except HCL Technology Shares in the Demat Account No. 10324229 with Stock Holding Corporation of India to be with Respondent No. 2 exclusively. (Shares of HCL Technology to be share equally between Respondent No.2 and the Petitioner).*

3.	*Share of Mrs. Prem Mohini Tandan alias Mohini Tandan in Demat Account No. 18262228 with Stock Holding Corporation of India in Demat Account No. 18262228 (As per Will, the shares in Demat Account No. 18262228 should be continued to be owned and held by the Petitioner and the Respondent No. 2 equally). As per the Will, it is clearly stated that the petitioner and Respondent No. 2 should remain joint owners of the above mentioned shares but if they wish to divide then Petitioner should keep interest in Respondent No.2 as money should not be lost earned by Mrs. Prem Mohini Tandan for the family of the Respondent No. 2.*

DETAILS OF ASSETS BEING DEVOLVED UPON THE RESPONDENT NO.3 UNDER THE WILL

S.No.	*Details of the Assets (Immovable and Movable)*
1.	*Shares under Demat Account No. 10368810 with Stock Holding Corporation of India would be with Respondent No.3.*
2.	*Big Diamond Rings to Respondent No.3*
3.	*Green embraced strong with pendent (shide jewellery) to Respondent No.3.*

DETAILS OF ASSETS BEING DEVOLVED UPON THE RESPONDENT NO.4 UNDER THE WILL

S.No.	*Details of the Assets (Immovable and Movable)*
1.	*50% share in the house property at S-101, Panscheel Park, New Delhi – 110017. (As per the Will, Respondent No. 4, the entire top*

	floor of the existing at house at S-101, Panscheel Park should be given to Respondent No. 4 with full rights to live, stay and enjoy the same. However, Respondent No. 4 shall not be entitled to let out the same without the permission of Respondent No.2. It is only after Respondent No.2 and Respondent No.3, Respondent No. 4 become 50% owner of the above mentioned property.
2.	*Shares on the name of the Respondent No. 4 Demat Account No. 19657227 (Important Note: Te DP A/c No. 19657227 maintained in the name of Respondent No. 4 with Stockd Holding Corporation of India has been closed and shares held in that DP A/c were transferred to DP A/c No. 20044088.)*
3.	*Light Small assorted necklace (lying in red box) to Respondent No. 4*
4.	*All pearl Malas to Respondent No. 4*
5.	*Hyderabad pearls with polka pendant to Respondent No. 4.*
6.	*11 sets packed with Respondent No. 4 which are lying in safe deposit one set (rebees and diamonds given by Petitioner be also be added to the Respondent No. 4*
7.	*Diamond Bangle to Respondent No. 4*
8.	*1 Diamond Necklace to Respondent No. 4*
9.	*All other earrings lying in the house to Respondent No. 4. Some belongs to sets in safe deposit. As per the Appendixes to the Will, it appears that Mrs. Prem Mohini Tandan have asked one Vijay to design all diamond necklace into two. One for Respondent No.4 and One of Respondent No.5.*

DETAILS OF ASSETS BEING DEVOLVED UPON THE RESPONDENT NO.5 UNDER WILL

S.No.	*Details of the Assets (Immovable and Movable)*
1.	*The set made by Mama Khetan to Respondent No. 5 which Respondent No. 3 can wear and give it to Respondent No. 5 at the time of her wedding.*
2.	*Polka set lying in safe deposit to Respondent No. 5 and custodian is Respondent No.3*
3.	*One light polka set to Respondent No.5. Respondent No. 3 is the custodian.*
4.	*One Diamond Necklace to Respondent No. 5. (As per Will, it has been stated that Late Mrs. Prem Mohini Tandan asked one Vijay to design all her diamond necklace into two. One for Respondent No. 4 and One for Respondent No. 5.)*
5.	*Shares in the Demat Account No. 10368810 with Stock Holding Corporation of India first go to Respondent No.3 and thereafter to Respondent No. 5.*

DETAILS OF ASSETS BEING DEVOLVED UPON THE RESPONDENT NO.6 UNDER THE WILL

S.No.	*Details of the Assets (Immovable and Movable)*
1.	*Purple Drop Earrings of Late Mrs. Prem Mohini Tandan which Respondent No. 6 likes goes to her.*
2.	*Polki Necklace like Tika Earrings to be given to Respondent No. 6 along with purple drop earrings.*

7. In view of facts and circumstances noted above, there is no impediment in granting letters of administration as claimed in the petition, to petitioner and respondent Nos. 2 to 6, being the beneficiaries under the Will (Ex. PW-1/2) which has been proved to be executed validly by the testator Smt. Prem Mohini Tandan alias Mohini Tandan, in absence of proof to the contrary.

8. Petition is accordingly disposed of granting, letters of administration with respect to Will (Ex. PW-1/2) dated 14th June, 2002 of Smt. Prem Mohini Tandan alias Mohini Tandan, in favour of the petitioner and respondent Nos. 2 to 6 in respect of the immovable and movable property left behind by the deceased as mentioned above, subject to the requisite court fees/stamp duty being furnished in accordance with the valuation report and upon submission of administration bond and surety, in accordance with law, to the satisfaction of the Registrar General of this Court.

9. Matter be listed before the Registrar General for payment of requisite court fees in respect of the above mentioned immovable and movable property of the deceased and for acceptance of the administration bond and surety bond on 25th September, 2017.

(MUKTA GUPTA)
JUDGE

SEPTEMBER 11, 2017
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