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IN THE HIGH COURT OF DELHI AT NEW DELHI

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**Reserved on: 19th July, 2017
Pronounced on: 24th July, 2017**

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TEST.CAS. 72/2014

SHALINI CHADHA & ORS

..... Petitioners

Through : Mr.Gurjit Singh, Advocate.

versus

STATE & ORS

..... Respondents

Through : Ms.Swati Singh Malik and
Mr.Himanshu Latwal, Advocates.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

YOGESH KHANNA, J.

1. This is a petition under Section 278 of the Indian Succession Act, 1925 for grant of probate/letter of administration in respect of the last Will and testament dated 20.12.2012 executed by late Sh.Deepak Chadha.

2. The petitioner No.1 Smt.Shalini Chadha is the wife of the deceased and whereas the petitioner No.2 is the business partner of the deceased. The deceased Deepak Chadha s/o late Sh.Kailash Chand Chadha, resident of 10/1, Punjabi Bagh Extension, New Delhi 110026 expired on 02.02.2013 at Medanta – The Medicity Hospital, Gurugram, Harayana. He was a Hindu and at the time of

his death he left behind – petitioner No.1 – his wife; Mr.Shivank Chadha – his son; and Ms.Khushi Chadha – his daughter. The properties which he bequeathed by his Will dated 20.12.2012 are enumerated in paras No. 5 & 6 of the petition.

3. The petitioners claim the Will dated 20.12.2012 of the deceased is his last Will and is made of his free will, desire and in sound disposing mind. One of the attesting witness namely Mr.Ravinder Bhasin s/o Shri Shiv Narain Bhasin, r/o 22/12, Punjabi Bagh Extension, New Delhi has also given a declaration, annexed to this petition. The legal heirs of the deceased have also given their no objections to the grant of probate/Letter of Administration. Since Ms.Khushi Chadha – daughter of the deceased was a minor at the time of filing of this petition, she has also filed her affidavit – cum – no objection dated 24.05.2017 after she had attained the age of majority”.

4. The citation was published in newspaper ‘Statesman’ on 08.08.2014.

5. The petitioner No.1 has examined herself as PW1 and proved her evidentiary affidavit *Ex.PW1/A* in support of her petition. She also proved the death certificate of her husband deceased Deepak Chadha as *Ex.PW1/I*; his original Will dated 20.12.2012 as *Ex.PW1/2*; her Aadhaar Card as *Ex.PW1/3*; copy of the surviving members’ certificate as *Ex.PW1/4*; the death certificates of the parents of deceased Deepak Chadha as *Ex.PW1/5*

and *Ex.PW1/6*.

6. The petitioner No.2 has examined himself as PW2 and proved his evidentiary affidavit as *Ex.PW2/A*; the Will dated 20.12.2012 as *Ex.PW1/2*; and his Voter Identity Card as *Ex.PW2/1*.

7. PW-3 Mr.Ravinder Bhasin – the attesting witness to the Will dated 20.12.2012 has proved his evidentiary affidavit *Ex.PW3/A* wherein he deposed that he saw the testator affixing his signatures on the Will *Ex.PW1/2* and that he signed it as an attesting witness in the presence of testator and another witness Smt.Anita Bhayana.

8. Since, the legal heirs of the deceased had given their consent in the form of no objections and since petitioners No.1 & 2 have proved the Will *Ex.PW1/2* and as there is no other surviving legal heirs of the deceased except those mentioned in the surviving members' certificate *Ex.PW1/3*; there is no impediment in grant of letter of administration with Will *Ex.PW1/2* dated 20.12.2012 annexed, executed by the deceased being his last Will and Testament qua properties enumerated in para Nos.5 & 6 of this petition.

9. In the result, the Letter of Administration is issued in favour of the petitioners with Will dated 20.12.2012 (*Ex.PW1/2*) annexed, executed by late Deepak Chadha in respect of the properties mentioned therein. The petitioners to furnish the administrative bond with two sureties to the satisfaction of the Registrar General

of this Court and submit the court fees in the registry.

10. No order as to costs.

YOGESH KHANNA, J

JULY 24, 2017

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