

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

% Decided on: 10th October, 2017

+ **TEST.CAS. 44/2016**

KSHITIJ ARORA

..... Petitioner

Represented by: Ms. Manmeet Arora, Ms.
Chand Chopra, Advs.

versus

GOVERNMENT OF NCT OF DELHI & ORS

..... Respondent

Represented by: Ms. Pavitra Kaur, Adv. for R-2.

**CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA**

MUKTA GUPTA, J. (ORAL)

1. By the present petition filed under Section 276 of Indian Succession Act, 1925, the petitioner seeks grant of Letter of Administration in his favour in respect of the last Will of Late Shri C.K. Arora executed on 20th September, 2015.

2. Briefly stated, Late Shri C.K. Arora passed away on 1st October, 2015. Late Shri C.K. Arora was married to Late Smt. Kiran Arora who predeceased her husband on 3rd April, 2003. From the said wedlock, two children namely, Sh. Sunil Arora (respondent no. 2) and Dr. Atul Arora (respondent no. 3) were born.

3. Late Shri C.K. Arora executed his last Will and testament on 20th September, 2015 whereby he bequeathed his entire property, movable and

immovable, in favour of the petitioner absolutely for his permanent benefit to the exclusion of other legal heirs.

4. An affidavit dated 26th May, 2016 has been filed on behalf of Sh. Sunil Arora (respondent no. 2) stating that he has no objection to the instant petition being allowed.

5. Dr. Atul Arora (respondent no. 3) is a resident of United Kingdom and had been not in contact with the deceased or his family members for many years. The petitioner, through counsel, had issued two letters to respondent no. 3, one on 23rd October, 2015 and another on 14th December, 2015, duly informing him about the contents of the Will and seeking his consent to act upon the Will.

6. Details of the properties of Late Shri C.K. Arora as per the Will are as under:

- Property measuring 3000 sq. yards bearing Municipal Board House No. 15/45/6 situated in Dr. Ram Swarup Colony, Civil Lines, Moradabad.
- Bank accounts:
 - Account No. 20051930000786 with HDFC Bank, Branch: M-1, Saket, New Delhi.
 - Account No. SB/254000010046549 with PNB Bank, Branch: Civil Lines, Moradabad.

7. Summons were issued to the respondents vide order dated 1st June, 2016. Despite service, respondent no. 3 did not enter appearance, thus, he was proceeded ex-parte vide order dated 10th April, 2017. Respondent no. 2 was also served, however he had filed his affidavit of no objection to the prayer made in the petition along with the petition itself.

8. Sh. Kshitij Arora (PW-1) tendered his affidavit vide Ex. PW-1/A, Sh. Saket Arora (PW-2) vide Ex. PW-2/A and Sh. Hemant Khandelwal (PW-3) vide Ex. PW-3/A.

9. The original death certificate of Late Sh. C.K. Arora was proved as Ex. PW-1/1, Original Will dated 20th September, 2015 along with supporting notarized documents as Ex. PW-1/2 (colly) and the photographs taken on 28th September, 2015 showing the presence of the deceased along with two attesting witnesses and the Notary as Ex. PW-1/3 (colly). Copy of letters dated 23rd October, 2015 and 14th December, 2015 along with proof of delivery sent to respondent no. 3 are proved as Ex. PW-1/5 and Ex. PW-1/6 respectively.

10. Sh. Saket Arora (PW-2) and Sh. Hemant Khandelwal (PW-3) stated that they were the attesting witnesses to the Will dated 20th September, 2015. They stated that Late Shri C.K. Arora had affixed his signature on the Will in their presence.

11. In view of the testimony of PW-1 to PW-3 and the documents placed on record, this Court is satisfied that the petitioner has proved the Will dated 20th September, 2015 duly executed by the deceased and the said Will was his last Will and testament.

12. Accordingly, Letter of administration with respect to Will (Ex. PW-1/2) dated 20th September, 2015 of Late Shri C.K. Arora, is granted in favour of the petitioner in respect of the property left behind by him as mentioned above, subject to the requisite court fees/stamp duty being furnished in accordance with the valuation report to the satisfaction of the Registrar General of this Court.

13. In view of the fact the petitioner is the sole beneficiary of the estate of the deceased, it is deemed appropriate to dispense with the requirement of the petitioner furnishing an administration/surety bond.

14. Petition is disposed of.

15. The matter shall be listed before the Registrar General for payment of requisite court fees in respect of the above mentioned property of the deceased on 30th October, 2017.

OCTOBER 10, 2017
‘ga/Anu’

(MUKTA GUPTA)
JUDGE



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