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

+ TEST.CAS. 85/2016

PRADEEP KUMAR VOHRA Petitioner
Through Mr. Anuj Kumar Pandey,
Advocate for Petitioner and
Respondent nos. 2 to 7.

Versus

STATE & ORS. Respondents
Through None

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Date of Decision : 20th November, 2017

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J: (Oral)

1. Present petition has been filed under Section 276 of the Indian Succession Act for grant of probate of Will dated 23rd December, 1994 of deceased Smt. Kanta Vohra, wife of late Sh. Sohan Lal Vohra.
2. In the petition it has been averred that the petitioner is the son of late Smt. Kanta Vohra, who expired on 22nd February, 2001 in New Delhi. The deceased is stated to have executed a registered Will dated 23rd December, 1994, which was duly attested by Mr. Manohar Lal Arora and Mr. P.K. Singh, Advocate. The Will dated 23rd December, 1994 executed by the deceased is reproduced hereinbelow:

“W I L L

THIS IS THE FIRST AND LAST WILL AND TESTAMENT OF Smt. Kanta Vohra wife of Late Shri Sohan Lal Vohra resident of A-192, Derawal Nagar, Delhi, made at Delhi, on this 23rd day of December, 1994.

Life is uncertain and evanescent nobody knows when one's end may come, I, therefore, make this will in my perfect state of health and sound disposing mind without the pressure or persuasion of anybody.

THAT WHEREAS I am the absolute owner of a 2^{1/2} storey building bearing No.A-192, area measuring 177.33 Sqare Yards situated in the layout plan of Dera Ismail Khan Co-operative Housing Society presently known as Derawal Nagar, Delhi vide Conveyance Deed registered as Document No.9871 in Additional Book No.I, Volume No.6669 on pages 55 to 57 dated 12.12.1994 with the office of the Sub-Registrar, Sub-District No.I, Delhi.

I have the following legal heirs:-

1. *Pardeep Kumar Vohra* *Son*
2. *Yogesh Kumar Vohra* *Son*
3. *Mrs. Kusum Amar W/o
Shri Rajinder Kumar* *Daughter*
4. *Mrs. Sushma Malhotra W/o
Sh. Krishan Lal Malhotra* *Daughter*
5. *Mrs. Anita Arora W/o.
Shri M.L. Arora* *Daughter*
6. *Mrs. Sangeeta Sheel W/o.
Shri Raman Kumar Sheel* *Daughter*
7. *Mrs. Madhu Joul W/o
Shri Nishan Singh Joul* *Daughter*

That all my daughters are happily married and I had sufficiently provided for them at the time of their

marriages. Similarly, both of my sons are happily married and settled and I had provided sufficiently at the time of their marriages.

That in my old age, my son, Shri Pardeep Kumar Vohra son of Shri Sohan Lal Vohra has served and looked after me very well. I am quite happy from his services.

So long as I am alive I shall remain the absolute owner of the said property and after my death I hereby bequeath that the said entire property bearing No.A-192, area measuring 177.33 Square Yards situated in the layout plan of Dera Ismail Khan Co-operative Housing Society presently known as Derawal Nagar, Delhi, shall go and devolved upon my son Shri Pardeep Kumar Vohra exclusively.

My other sons and daughters or any other legal heir shall have no claim, right, title or interest in the abovesaid property and the same shall vests upon Shri Pardeep Kumar Vohra.

Nobody should challenge this Will and if anybody does so the same should be treated as Null, Void, Ineffective and Inoperative. This will embodying my last wishes should be given effect strictly in terms laid down herein.

IN WITNESS WHEREOF this Will is made at Delhi, on the day of the month and year first above written, in presence of the following witnesses:-

WITNESSES:-

1. *Sd/-*

(MANOHAR LAL ARORA)

S/O Shri Madan Lal Arora

R/o. 17-A/32, East Punjabi

TESTATRIX"

Bagh, New Delhi.

Sd/-

3. Notice in the present petition was issued on 21st October, 2016. Citation was also directed to be issued, which came to be published in the English edition of the daily newspaper "The Statesman" and Hindi

edition of daily newspaper “Jansatta”. The valuation report has also been filed by the State.

4. The respondents, being respondent No.2 (younger son of the testatrix), respondent No.3’s son (since daughter of the testatrix has also expired on 11th May, 2003) and respondent No.4 to 7 (daughters of testatrix) have all filed their No-Objection supported by an affidavit. No objections have been received to the Will after publication of the citation.

5. Mr. Pradeep Kumar Vohra, son of the testatrix has filed an affidavit by way of evidence dated 09th October, 2017 and the said affidavit has been marked as Ex.PW1/X. It has been stated by the petitioner in his affidavit that the petitioner has been made the sole executor in the Will and that the Testatrix was in a sound state of mind and good health at the time of signing the Will which was duly executed by her in the presence of the witnesses. It is further stated that the Testatrix expired on 22nd February, 2001 at New Delhi leaving behind her last will and testament dated 23rd December, 1994. The petitioner has proved the Death Certificate of the Testatrix as Ex.PW1/3 and of respondent No.3 as Ex.PW1/6.

6. Mr. Manohar Lal Arora, second attesting witness has filed his affidavit dated 01st November, 2017 and exhibited as Ex.PW2/X. In the said affidavit, he has deposed as under:-

“ii. I say that the aforesaid Will was executed by Late Smt. Kanta Vohra in my presence and in the presence of one more Witness i.e. Adv. Sh. P.K. Singh and at that time the deceased late Smt. Kanta

Vohra was having full knowledge and understanding of the contents of the Will.

- iii. I say that the deceased Smt. Kanta Vohra read and understood the contents of her said Will in vernacular and admitted before me the correctness of the contents of the said Will.*
- iv. I say that the said Will bears my Signature as a Witness at point "A" and the same may be Exhibited as Exb.PW2/1.*
- v. I say that the testator Late Smt. Kanta Vohra was in full sense and in good physical health at the time of executing the Will dated 23/12/1994."*

7. In view of the above, the Court is satisfied that the petitioner has succeeded in proving that the deceased Smt. Kanta Vohra had executed the Will dated 23rd December, 1994 and the said Will was her last will and testament. Consequently, the present petition is allowed. The probate in respect of the Will dated 23rd December, 1994 of deceased Smt. Kanta Vohra annexed thereto is granted in favour of the petitioner, subject to his furnishing the requisite Court fee in terms of the latest valuation reports and submitting an administrative bond with one surety in accordance with law.

MANMOHAN, J

NOVEMBER 20, 2017

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