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

+ TEST.CAS. 10/2018

VIRINDER VOHRA & ORS

..... Petitioners

Through: Mr. Rajiv Bajaj and Ms. Sagrika
Wadhwa, Advs.

Versus

STATE & ORS

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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02.02.2018

IA No.1579/2018 (for exemption)

1. Allowed, subject to just exceptions.
2. The application is disposed of.

TEST.CAS. 10/2018 & IA No.1578/2018 (u/O XXXIX R-1&2 CPC) & 1580/2018 (u/S 151 CPC)

3. The three petitioners, without either of them being a named executor in the document claimed to be the validly executed last Will of late Sh. Rajender Lall Vohra, are seeking probate thereof.
4. Attention of the counsel for the petitioners has been drawn to Section 222 of the Indian Succession Act, 1925 which entitles only the named executor to apply for probate. The remedy for a beneficiary is under Section 228 of the said Act.
5. Though it is a technical flaw but it is felt that till the Courts enforce the law, misapplication of law will continue.
6. The counsel for the petitioners withdraws the petition with liberty to apply afresh.
7. Dismissed as withdrawn with liberty aforesaid.

RAJIV SAHAI ENDLAW, J.

FEBRUARY 02, 2018/bs..