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

+ TEST.CAS. 24/2018

V K SIBAL

..... Petitioner

Through Mr. Alok K. Agarwal, Mr. Apoorv Rastogi, Mr. Harshal Kumar and Ms. Harpita Dixit, Advs.

versus

THE STATE & ORS

..... Respondents

Through Mr. Hetu Arora Sethi, ASC/GNCTD with Mr. Siddharth Agarwal, Adv. for R-1.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **27.11.2018**

1. This probate petition is filed under Section 276 of the Indian Succession Act in respect of the Will dated 13.09.2007 of late Sh. Hira Lal Sibal. This petition has been filed by the petitioner, i.e. the son of late Sh. Hira Lal Sibal.
2. During his life time, it is pleaded, Sh. Hira Lal Sibal executed his last Will and Testament dated 13.09.2007 without any coercion, pressure or undue influence. The Will is a registered Will and was duly registered with Sub Registrar-III, New Delhi. The Will is attested by two witnesses, namely, Sh. Arvind Varma, Sr. Advocate and Sh. Siddhartha Dave, Advocate in the presence of the Testator.

3. The respondents, namely, the three sons and the daughter have along with the petition filed their affidavits in support of the petition.
4. The petitioner-Mr.V.K. Sibal has also filed his affidavit by way of evidence where he has reiterated the submissions as noted above. Both the witnesses to the Will, namely, Sh. Arvind Varma, Sr. Advocate and Sh.Siddhartha Dave, Advocate have also filed their affidavits by way of evidence. Mr. Arvind Varma, Senior Advocate has stated that late Sh.Hira Lal Sibal executed his last Will and Testament dated 13.09.2007 and had put his signatures in his presence and he also signed the said document as an attesting witness in his presence. He has also stated that Mr.Siddhartha Dave, Advocate, the other witness also signed on the last Will in the presence of the deceased and that both the witnesses signed on the Will in the presence of each other.
5. In view of the unrebutted testimony of the witnesses, the petition is allowed. Probate is granted of the last Will and Testament dated 13.09.2007 of late Sh.Hira Lal Sibal subject to the petitioner paying the necessary court fees and executing the necessary bond.
6. The valuation report of the SDM has not yet been received. For the said purpose, list before the Joint Registrar on 17.12.2018 for completing the valuation process.

The petition stands disposed

JAYANT NATH, J

NOVEMBER 27, 2018

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