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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **TEST.CAS. 37/2016**
RAJEEV ARORA & ANR Petitioners
Through: Mr. Nitin Gupta & Mr. Vikas Singh,
Advs.
Versus
STATE & ORS Respondents
Through: Mr. L.K. Singh, Adv. for R-4 to 6.
CORAM:
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW
ORDER
% **24.04.2018**

IA No.5567/2018 (of the respondents no.4 to 6 under Order XXIII Rule 1 of the CPC)

1. The respondents no.4 to 6 objectors viz. Veena Arora, Gaurav Arora and Vikram Arora, unconditionally withdraw the objections earlier filed to grant of probate of the document claimed to be the validly executed last Will of deceased Smt. Sudarshan Kumari.
2. The counsel for the petitioners has no objection.
3. The application is allowed and disposed of.

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4. The objections of respondents no.4 to 6 are dismissed as withdrawn.
5. The counsel for the petitioners and the counsel for the respondents no.4 to 6, on enquiry, state that the other respondents no.2,3,7,8 and 9 have not filed any objections, as recorded in the order dated 3rd February, 2017 also.

6. The counsel for the petitioners states that the petitioners have already led their evidence and do not require to lead any further evidence.
7. Arguments of the counsel for the petitioners have been heard and the file perused.
8. The document claim to be the Will has been proved by two of the attesting witnesses thereto viz. Vipin Khosla and Jaspal examined as PW2 and PW3 respectively. The petitioner no.2 has himself appeared as PW1.
9. I have perused the testimonies of the said witnesses and am satisfied that the document Exhibit PW1/5 has been proved as the validly executed last Will of deceased Sudarshan Kumari, wife of Late Sh. Gobind Ram, resident of House No.A-1/101, Safdarjang Enclave, New Delhi. The said document also constitutes the two petitioners as the Executors of the Will, to act jointly or severally.
10. The petitioners are thus found entitled to grant of probate.
11. The petition is allowed.
12. Probate is ordered to be granted of the Will dated 4th September, 2012 of the deceased Sudarshan Kumari, wife of Late Sh. Gobind Ram, resident of House No.A-1/101, Safdarjang Enclave, New Delhi, proved as Exhibit PW1/5, to the two petitioners, subject to the petitioners depositing the requisite stamp duty and furnishing Administration Bond of the value of the property bequeathed under the document proved as Exhibit PW1/5, along with one surety in the like amount.
13. On request of the counsel for the petitioners and on perusal of the bequest under Exhibit PW1/5, exemption is granted from furnishing surety.

Thus, the petitioners shall be entitled to Letters of Probate subject to furnishing stamp duty and Administration Bond of the value of the property bequeathed under Exhibit PW1/5.

14. The petition is disposed of.

15. The dates of 5th July, 2018 before the Joint Registrar and 9th August, 2018 before the Court are cancelled.

RAJIV SAHAI ENDLAW, J

APRIL 24, 2018

‘gsr’..