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

+ **TEST.CAS. 42/2018**

SANTOSH UPPAL

..... Petitioner

Through: Mr. Anil K. Kher, Senior Advocate
with Ms. Vasundhara Nayyar,
Advocate. (M:9971223453)

versus

STATE & ORS.

..... Respondents

Through: Mr. P. K. Mittal, Advocate for R-1 &
2. (M:9810826436)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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10.12.2018

1. The present testamentary case has been moved under Section 276 of the Indian Succession Act, 1825 seeking grant of probate of Will dated 10th March, 2010 executed by Late Shri Anil K. Bhalla. Petition has been preferred by Mrs. Santosh Uppal, who is the real sister of the deceased. She is the executor of the Will dated 10th March, 2010.

2. The present testamentary case was filed and listed before this Court on 8th August, 2018. Citation was directed to be published in the newspaper. Valuation report was also called for, and was received by this Court. Thereafter, Respondent Nos.2 & 3 appeared on 23rd October, 2018 and submitted that they have no objection if the Will is probated. Statements of Smt. Santosh Uppal – PW-1 and Shri J. M. L. Gupta – PW-2 were recorded before the Joint Registrar on 13th November, 2018. The Petitioner has placed before this Court the original Will dated 10th March, 2010. One of the witnesses to the Will is Mr. J. M. L. Gupta, who appeared as PW-2.

Both the witnesses have deposed to the genuineness of the Will. The following documents have been exhibited by PW-1.

- i) Ex.PW-1/1 - Death certificate of Shri Anil K. Bhalla
- ii) Ex.PW-1/2 - List of properties
- iii) Ex.PW-1/3 - Original Will
- iv) Ex.PW-1/4 - Death certificate of Smt. Santosh Uppal, wife of Shri Anil K. Bhalla.
- v) Ex.PW-1/5 - List of relations of Shri Anil K. Bhalla.

3. PW-2 has stated in his affidavit that Shri Anil K. Bhalla was in sound state of health and disposing mind at the time of his death. He also confirmed the presence of witness Shri Ashok Kumar Dogra. He submitted that he signed the Will in his presence.

4. As per the Will, the testator had two immoveable properties, the details of which are as under:

- 1) Ground Floor with terrace rights above the Second Floor of the property R-647, New Rajinder Nagar, New Delhi-110060;
- 2) Plot of land in VGP, Jaya Nagar, Hosur;

Further, the testator also had a NRI US Dollars account with HDFC bank and with State Bank of India.

5. As per the Will, the property in New Delhi and the property in Hosur both have been bequeathed to the Petitioner. Even the amounts, lying in the bank accounts have been bequeathed to Petitioner. The two sons of the deceased i.e. Shri Sachin K. Bhalla and Shri Anish K. Bhalla, have both given their no objections in the form of reply filed on 20th September, 2018, which is signed by their General Power of Attorney ('GPA') holder Shri Om Prakash Malhotra. Copy of the GPA is also placed on record.

6. For the above reasons, this Court is satisfied that there is no impediment in grant of probate of Will in favour of Petitioner. Accordingly, it is directed that a probate be issued in favour of the Petitioner in respect of Will dated 10th March, 2010 executed by Shri Anil K. Bhalla in favour of the Petitioner. The Registry is directed to be issue the same on the basis of the personal undertaking of the Petitioner being furnished, without insistence of any surety of property.

7. The present testamentary case is disposed of in the above terms.

PRATHIBA M. SINGH, J.

DECEMBER 10, 2018/dk