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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ TEST.CAS. 25/2017

SH. BIKRAMJIT AHLUWALIA & OTHERS Petitioners
Through: Mr. Rajesh Kumar and Mr. Atul
Agarwal, Advocates.
versus

STATE & OTHERS Respondents
Through: None.

CORAM:
HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER
% **18.01.2018**

I.A. No. 829/2018 (under Order 26 Rule 1 CPC, filed by the petitioner)

1. This I.A. is disposed of as not pressed.

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2. By this testamentary case petitioners seek letters of administration for the Will dated 25.8.2016 executed by late Smt. Ram Pyari, wife of late Sh. Roop Chand. Petitioners are the beneficiaries of the Will. The Will is said to have been executed at Saket in New Delhi. Respondent nos. 2 to 6, and who are the other legal heirs of the late testatrix Smt. Ram Pyari, being her sons and daughters, have not contested this petition and have been proceeded *ex-parte* vide order dated 31.7.2017 passed by a Learned Single Judge of this Court.

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3. Petitioners have filed the affidavits by way of evidence of both the attesting witnesses, namely, Smt. Pushpa Rani, wife of Sh.Paramjit Singh, and Sh. Dharamvir Kapoor, son of late Sh. Kundan Lal Kapoor. Both the attesting witnesses have deposed with respect to the due attestation and execution of the Will and also the testatrix being in sound disposing mind. Petitioners have also filed the affidavits of petitioner nos. 1 to 7 in support of the petition.

4. I may note that the original Will dated 25.8.2016 is not filed in this Court but original is shown to the Court and returned thereafter.

5. In view of the aforesaid facts, this petition is allowed and the petitioners are granted letters of administration of the subject Will and testamentary dated 25.8.2016 of late Smt. Ram Pyari wife of Sh. Roop Chand. Letters of administration be issued on the petitioners filing the necessary court-fees as required by law on the values of the properties.

6. I may note that all the immovable properties in the present case are situated outside Delhi with one property being situated at Mumbai and another property being situated at Ghaziabad. Therefore before determining the values of the immovable properties parties notices will have to be issued to the Chief Controlling Revenue Authorities at Mumbai and Ghaziabad. Petitioners will file the exact addresses for service of the Chief Controlling Revenue Authorities at Mumbai and Ghaziabad within a period of two weeks from today. Petitioners will also file valuation certificates, if not already filed, with respect to the valuation of the movable properties and satisfaction with respect to

the valuation of these properties will be examined by the Joint Registrar along with the valuation of the immovable properties on receiving necessary reports from the Chief Controlling Revenue Authorities at Mumbai and Ghaziabad.

7. List before the Joint Registrar on 11th April, 2018 and for which date petitioners will file process fee both in the ordinary process, speed post as well as by registered AD post for service of Chief Controlling Revenue Authorities at Mumbai and Ghaziabad. The Joint Registrar will follow the procedure as prescribed under Section 19-H of the Court-fees Act, 1870 with respect to the valuations of the properties.

8. The Joint Registrar will pass a detailed order giving valuation of the different properties which are mentioned in the subject Will and with respect to which letters of administration is granted so that appropriate court-fees is directed to be paid by the petitioners.

VALMIKI J. MEHTA, J

JANUARY 18, 2018

JK