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

+ TEST.CAS. 58/2015 & I.As. 13301/2015 & 14502/2018

SANJEEV KESHAV VERMA Petitioner
Through: Mr Jasmeet Singh, Srivats
Kaushal and Aditya
Madaan, Advocates.

versus

STATE& ANR. Respondents
Through: Mr. Gaurav Duggal, Advocate
with Ms. Atreyee Barthakur,
Advocate for respondent No.2.

% Date of Decision: 04th December, 2018

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J: (Oral)

1. Present petition has been filed for grant of Letters of Administration of Will dated 18th August, 2009 under Section 276 of the Indian Succession Act, 1925 with respect to the estate of deceased Col. Keshav Sain Verma, son of Late Sh.Nand Ram Verma.

2. It is stated in the petition that the petitioner is the son of the testator Late Col. Keshav Sain Verma who expired on 27th October, 2012, in New Delhi, and executed a registered Will dated 18th August, 2009, duly attested by Mr. Ravi Anthwal and Mr. Nazerath.

3. It is stated that deceased has left behind two legal heirs, i.e. his son, the petitioner and a daughter, the respondent no. 2.

4. Notice was issued on the present petition on 8th July, 2015. Vide order dated 24th November 2015; citation has been published in the newspaper 'Statesman' English Edition and 'Veer Arjun' Hindi Edition. The respondent no.2 filed its objection to the present petition.

5. Vide Order dated 31st May, 2016, the following issues were framed:

(i) Whether the Will dated 18.09.2009 is legal and valid? (OPP)

(ii) Whether the Will is bad in law for being vague and unclear? (OPR)

6. The petitioner filed its evidence by way of affidavit of himself, Mr. Dhani Ram, the draftsman and Mr Ravi Anthwal. The petitioner has proved the will dated 18th August, 2009, executed by his father, and the same is exhibited as Ex. PW1/A. He has also proved the death certificate of the testator and the same is exhibited as PW1/B. He has also proved the death certificate of his mother dated 16th August, 2013 and the same is exhibited as Ex1/C.

7. In the affidavit filed by Mr. Dhani Ram, he has admitted that he has drafted the Will as per the instructions of Late Shri Keshav Sain Verma.

8. The petitioner has also filed an affidavit of Mr. Ravi Anthwal, who is the attesting witness to the Will. In the said affidavit, Mr. Ravi Anthwal has confirmed the execution of the Will dated 18th August, 2009 in his presence.

9. The petitioner and the respondent no.2 have filed the present application being I.A. 14502/2018 under Order 23 Rule 3, CPC read with Section 151 CPC, to take the Memorandum of Understanding dated 24th June, 2018 on record and allow the present petition and grant Letters of

Administration to the petitioner in accordance with Memorandum of Settlement dated 24th June, 2018, which are exhibited as Ex. C-1 (Colly).

10. Today in Court, Mr. Jasmeet Singh, learned counsel for the petitioner has handed over the following three demand drafts in favour of respondent no.2:-

S.No.	Demand Draft Number and Date of Issue	Bank Name and Branch	Amount
1.	137633 dated 26 th November, 2018	Canara Bank, Vostro Central Processing Centre, Mumbai.	Rs.2484145.00/-
2.	137634 dated 26 th November, 2018	Canara Bank, Vostro Central Processing Centre, Mumbai	Rs.100000.00/-
3.	679178 dated 22 nd November, 2018	Kotak Mahindra Bank, Mumbai Nariman Point	Rs.29,00,000.00

11. Mr. Jasmeet Singh assures this Court that in the event the aforesaid demand drafts are not accepted for any reason whatsoever, the petitioner shall replace the same with fresh demand drafts.

12. Both the learned counsel further assure and undertake to this Court that the parties shall comply with the Settlement terms mentioned in the aforesaid Settlement Agreement and Both the learned counsel further assure and undertake to this Court that the parties shall comply with the Settlement terms mentioned in the aforesaid Settlement Agreement.

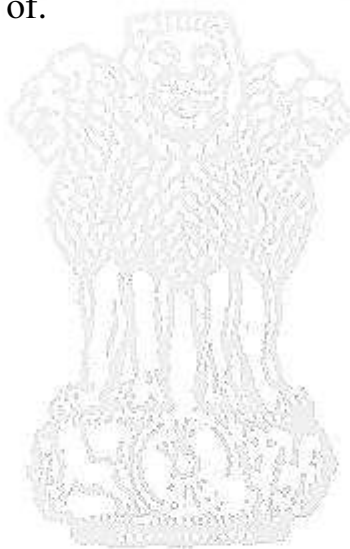
13. This Court has also perused the compromise application and Settlement Agreement and is of the opinion that they are lawful.

14. Consequently, the present application is allowed and the Letters of Administration is issued in favour of the petitioner in accordance with Memorandum of Settlement dated 24th June, 2018, subject to the petitioner filing the requisite Court fee in terms of the valuation reports and submitting an administrative bond with one surety in accordance with law.

15. With the aforesaid observations, present petition and all pending applications stand disposed of.

DECEMBER 04, 2018
sp/KA

MANMOHAN, J



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