

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

+ **TEST. CASE No. 28/2017**

% **7th March, 2018**

SUJATA PRAKASH Petitioner

Through: Mr. Neeraj Yadav, Advocate.

versus

STATE & ORS. Respondents

Through: Ms. Aditi Sharma, Advocate for
R-2 and 3.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J (ORAL)

1. This testamentary case has been filed by the petitioner for grant of letters of administration with the Will annexed of late Sh. Vishwa Prakash, husband of the petitioner, who passed away on 8.6.2016.

2. Out of the wedlock of the petitioner with late Sh. Vishwa Prakash two children were born namely Sh. Suvrat Prakash and Smt. Shipra Prakash and who are arrayed as respondent nos. 2 and 3 to this petition. Respondent nos. 2 and 3 have given their no objection to the grant of letters of administration with the Will annexed to the

petitioner. Respondent no.4 in this petition is the mother of the deceased Sh. Vishwa Prakash and she has also given her no objection to grant of letters of administration with the Will annexed to the petitioner.

3. The original Will dated 15.3.2016 of late Sh. Vishwa Prakash has been filed on record. There are two attesting witnesses of this Will namely Sh. Om Prakash and Smt. Vimlesh Rani. Petitioner has filed the affidavit by way of evidence of the attesting witness Sh. Om Prakash who has deposed with respect to the subject due execution and attestation of the Will and the Will being signed by the testator and he and the other attesting witness namely Smt. Vimlesh Rani signing in presence of the executant/testator. The Will is exhibited as Ex.PW2/1. Today this exhibit mark is put on the original Will.

4. Petitioner has also filed her own affidavit with respect to the respondent nos. 2 to 4 being the only legal heirs of the deceased Sh. Vishwa Prakash and which respondent nos. 2 to 4, as already stated above, have filed their no objection to the grant of the letters of administration with the Will annexed. Petitioner has also deposed that

the subject Will dated 15.3.2016 being the last Will and testament of the deceased Sh. Vishwa Prakash.

5. It is therefore seen that the petitioner has succeeded in proving the Will dated 15.3.2016/Ex.PW2/1 of late Sh. Vishwa Prakash. Since by the Will no executor is appointed, accordingly petitioner is granted letters of administration with the Will annexed dated 15.3.2016 of late Sh. Vishwa Prakash. This testamentary case is allowed accordingly.

6. In order to determine the valuation of the property for payment of court fee by the petitioner, list before the Joint Registrar for further proceedings on 1st May, 2018. The Joint Registrar will pass a speaking order specifying the valuation of the properties subject matter of the Will, and the petitioner will be liable to pay court fees in accordance with law, and only whereafter necessary certificate be issued in favour of the petitioner.

MARCH 07, 2018/ib

VALMIKI J. MEHTA, J