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

+ **TEST.CAS. 41/2019 & I.A. 9232/2020**

ASHOK SINGHAL

..... Petitioner

Through: Mr. Vikram Pradeep, Adv.

versus

STATE NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Nirmal Goenka, Adv. for
R-2 and R-3

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

J U D G M E N T (O R A L)

% **25.01.2021**

1. By this petition, the petitioner seeks grant of Letters of Administration, in order to enable the petitioner to administer the estate of late Dr. N.C. Singhal, his father, consequent to a Will, dated 12th May, 1991, executed by Dr. Singhal (hereinafter referred to as “the Testator”), who expired on 20th November, 2004.

2. Mrs. Premwati Singhal, the mother of the petitioner and wife of the Testator, expired on 27th October, 2017. The Testator is stated to be survived by the petitioner, his two brothers Mr. Prakash Chand Singhal and Mr. Tara Chand Singhal, who are impleaded as Respondent Nos. 2 and 3 herein and his sister Veena Gupta, who is impleaded as Respondent No. 4.

3. It is stated that, initially, an unexecuted Will dated 4th October

2004 was discovered by the petitioner and respondents, consequent to the death of the testator, and that they had informally agreed to abide by the covenants thereof. Later, however, the petitioner and Respondent Nos. 1 and 2 came in possession of an executed Will dated 12th May, 1991, of the Testator, in respect whereof, the present petition has been filed.

4. The Will was executed in the presence of Mr. Satish Chand Aggarwal and Mr. R.P. Agrawal, witnesses, who had also appended their signatures thereto. This, it is stated, was the last Will and testament of the Testator.

5. Respondent No. 4 is stated to have demurred, *qua* devolution of one particular property of the Testator, being C-115, Greater Kailash-I, New Delhi-110048. It is asserted that this property was the self acquired property of the Testator, purchased under a registered sale deed dated 6th September, 1997.

6. The original of the Will dated 12th May, 1991, as well as the registered Sale Deed dated 6th September, 1997, have been placed on record.

7. It is further asserted that the Testator was in sound health and of sound disposing mind at the time of execution of the Will dated 12th May, 1991. Under the said Will, the property at C-115, Greater Kailash-I, New Delhi-110048, *inter alia*, was bequeathed to the petitioner. The status of the various properties has been provided, in a

tabular form, in para 9 of the petition, which may be reproduced thus:

“Sr. No.	Description of Assets/Property	Status
1.	Agricultural Land/Plot at Pirthala, Tehsil Palwal	Yet to be administered
2.	C-115, Greater Kailash-I, New Delhi-110048	Yet to be administered
3.	Plot in Green Field Colony situated in District-Faridabad	Disposed of by Testator during his lifetime
4.	9 FDRs for Rs 5000/- each for each Grandchild.	
5.	Cash Deposits& Investments	Disposed of between the Legal Heirs in accordance with the unsigned/unexecuted”

8. The petition has been verified by the executors of the Will and their affidavits have been attached to the petition.

9. As a beneficiary to the aforesaid Will, the petitioner seeks Letters of Administration, to administer the estate of the Testator in terms thereof.

10. The petition prays thus:

“In view of the above narrated facts and circumstances, the Petitioner most humbly pray to this Hon'ble Court:

a) To grant Letters of Administration of Will dated 12.05.1991 with respect to the estate of Late Dr. N.C Singhal in favour of the Petitioner enabling the

Petitioner to administer the estate of the Testator.
and/or.

b) Pass any such other reliefs as this Court may deem fit and proper in the facts and circumstances of the present case to meet the ends of justice.”

11. Notice was issued, in the present petition, on 29th May, 2019 and citations were directed to be published. Valuation reports were also called for from the concerned Sub-Divisional Magistrates (SDMs).

12. On 21st November, 2019, it was observed, by the court, that Respondent Nos. 2 and 3 did not oppose the petition. As there was a discrepancy with respect to one of the properties of the Testator, the petitioner was directed to file an amended Schedule-A, *qua* the said property, in respect whereof, fresh notice was issued to the SDM for providing the valuation report.

13. *Vide* order dated 19th December, 2019, the Joint Registrar (Judicial) closed the right of Respondent No. 4 to file written statement and, *vide* subsequent order dated 25th February, 2020, passed by the Court, Respondent No. 4 was set *ex-parte*. The same order allowed the original Will to be filed in a sealed cover.

14. Respondent Nos. 2 and 3 filed affidavits in evidence, stating that they have no objection to grant of Letters of Administration in favour of the petitioner, in terms of the Will dated 12th May, 1991.

15. As the petition was uncontested, this Court, *vide* order dated TEST.CAS. 41/2019

25th February, 2020, directed the parties to file list of witnesses within two weeks and affidavit of evidence of the witnesses, whose evidence they sought to lead within two weeks thereof.

16. The subsequent order dated 10th November, 2020, of the learned Joint Registrar (Judicial), records that all the documents of the petitioner were admitted, by Respondent Nos. 2 and 3, and were, accordingly, exhibited as Ex. P-1 to Ex. P-5. The petitioner also admitted three of the documents of the Respondent Nos. 2 and 3 which were exhibited as Ex. R-1 to R-3.

17. PW-1 to PW-3 were examined, before the learned Joint Registrar (Judicial), on 19th November, 2020. The no objections of Respondent Nos. 2 and 3 were also recorded, in court, by the Joint Registrar (Judicial), on 19th November, 2020 and 1st December, 2020 respectively.

18. As such, this is an uncontested case, for grant of Letters of Administration. The original Will has been filed in this Court. The manner in which the late testator has come into possession of the property is also manifested by the sale deed which has also been filed in this Court.

19. Respondent No. 4 has been set ex-parte and Respondent Nos. 2 and 3 do not oppose the grant of Letters of Administration to the petitioner.

20. As such, Letters of Administration, to enable the petitioner to administer the estate of the deceased testator in terms of the Will dated 12th May, 1991, are granted.

21. The valuation reports of the property in question, placed on record by the concerned SDMs, are accepted. The petitioner would be liable to pay stamp duty on the basis of the valuation of the property as reflected therein.

22. The petition stands allowed in the aforesaid terms. Pending applications, if any, also stand disposed of.

C. HARI SHANKAR, J.

JANUARY 25, 2021

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