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

% ***Date of decision: 11.01.2022***

+ **TEST.CAS. 29/2020 & I.A. 11615/2020 & I.A. 11616/2020**

MITHLESH JAINPetitioner

Through: Mr. Saurabh Dev Karan Singh,
Advocate

Versus

STATE OF NCT OF DELHI & ORS.Respondents

Through: Respondents No.2 & 3 in person with
attesting witness Mr. Ajay Jain

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

JUDGMENT (oral)

The hearing has been conducted through video conferencing.

1. The present petition has been filed under Section 276 of the Indian Succession Act for grant of Letters of Administration in favour of the petitioner.

2. Petitioner herein is the wife of the brother of the father- in- law of the testator- Late Smt. Vijaya Jain, who died on 28.06.2020 leaving behind her last and final Will dated 28.11.2018 in respect of her property mentioned in Schedule-I i.e. property bearing No. Flat No. F-503, Rashmi Apartments, Amrit Co-op G.H. Society, Harsh Vihar, Pitampura, Delhi – 110034, which

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was her self-acquired property.

3. The affidavit dated 19.12.2020 of respondent No.1-Rishabh Jain and another affidavit of even date of respondent No.2-Juhi Jain, who are son and daughter of testator, have been placed on record, wherein it has been specifically stated that they have 'no objection' to the said property being bequeathed in favour of petitioner, who happens to be a family relative, by virtue of will dated 28.11.2018 executed by their mother.

4. On the last date of hearing, this Court had directed for personal appearance of respondents No.2 & 3, who are today present through video conferencing. Besides, one of the attesting witnesses to the Will, Mr.Ajay Jain, is also present through video conferencing. Respondents No.2 & 3 have reiterated before this Court that they have no objection if the present petition is allowed.

5. Pertinently, valuation Report in respect of subject property has been received from Chief Controlling Revenue Authority. Also that respondents No.2 & 3 are the only Class- I legal heirs of deceased- testator, who have tendered their 'no objection' to grant of Letters of Administration in favour of petitioner in respect of will dated 28.11.2018. Hence, the present petition is allowed.



6. Accordingly, the Letters of Administration in respect of Will dated 28.11.2018 is granted in favour of petitioner on furnishing the stamp paper required for the purpose and filing affidavit, etc. The Registry shall prepare the necessary Letters of Administration as per rules.

7. With aforesaid directions, the present petition and pending applications stand accordingly disposed of.

(SURESH KUMAR KAIT)
JUDGE

JANUARY 11, 2021
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