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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **TEST.CAS. 13/2024**
SHRI CHANDER DEV GUPTAPetitioner
Through: Mr. Harpreet Singh and Mr.
Jatin Kumar Gaur, Advs.

versus

STATE OF NCT OF DELHI & ANR.Respondents
Through: Mr. Anurag Gupta, Adv. for R-
2 along with R-2 in person.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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23.08.2024

1. This petition has been filed under Section 278 of the Indian Succession Act, 1925 (hereinafter referred to as the 'Act') seeking grant of Letter of Administration in respect of Will dated 14.06.2023 (hereinafter referred to as the 'Will') (Ex.P1/4) executed by late Smt. Shakuntla Gupta (hereinafter referred to as the 'testator') in favour of the petitioner.
2. The testator unfortunately passed away on 22.09.2023 leaving behind two legal heirs, namely Sh. Chander Dev Gupta, her husband and Sh. Anurag Gupta, her son. The Surviving Member Certificate issued by the Revenue Department, Govt. of NCT of Delhi (Ex. P1/3) has also been filed.
3. This Court, *vide* its Order dated 16.02.2024, directed the issuance of notice of the present petition and also recorded the statement of the respondent no.2, the son of the testator, who appeared on



advance notice, that he has no objection to the present petition being allowed.

4. By a subsequent Order dated 16.05.2024, this Court directed publication and citation of the petition in two leading newspapers. The same was also duly done.
5. No objections have been received against the present petition.
6. The petitioner, in support of his case, examined himself as PW-1. There was no cross examination, although an opportunity was offered.
7. Thereafter, by the Order dated 16.08.2024, the petitioner was granted leave to produce additional evidence. Availing of this opportunity, the petitioner examined Mr. Ashish Jain (PW-2). In his evidence by way of affidavit, he stated that he is one of the attesting witnesses to the Will dated 14.06.2023, which was executed by the testator in his presence, as well as in the presence of the other attesting witness, Mr. Umesh Chandra Gupta, who was examined by the petitioner as PW-3, and has deposed on the same terms. They both have deposed that they both have put their signatures in the presence of the testator. They have stated that the testator was in sound mind and was capable of understanding her welfare and well-being. She was under no influence or pressure and had voluntarily executed her Will after carefully going through the same and understanding the contents thereof. She had also signed the Will in their presence. There was no cross-examination conducted of these witnesses.
8. In terms of the Will dated 14.06.2023, the testator has



bequeathed all her entire estate in favour of the petitioner.

9. As noted hereinabove, the respondent no.2 is the only other legal heir, who has already expressed his no objection to the grant of Letter of Administration in favour of the petitioner. The petitioner has proved the due execution of the Will and no suspicious circumstances are found surrounding the execution of the Will.
10. In view of the above and keeping in mind that the petitioner is the sole beneficiary under the Will dated 14.06.2023, the requirement of the petitioner to furnish the Administrative Bond with one Surety to the satisfaction of the learned Registrar General of this Court shall stand waived. The requirement of the petitioner to deposit the Court Fee shall, however, stand.
11. The petition is allowed.
12. Let the Letter of Administration in respect of Will dated 14.06.2023 (Ex.P1/4) executed by late Smt. Shakuntla Gupta be granted in favour of the petitioner on payment of the requisite stamp duty.

NAVIN CHAWLA, J

AUGUST 23, 2024
RN/DG

Click here to check corrigendum, if any