



PBT-2-2024(O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

PBT-2-2024(O&M)

Date of decision : 20.05.2025

Rajan Singla

... Petitioner

Versus

General Public and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Vipul Joshi, Advocate,
Mr.Piyush Kumar, Advocate and
Mr.Sankalp Sharma, Advocate
for the petitioner.

Mr.Sushant Kareer, Advocate
for respondents no.2 and 3.

VIKAS BAHL, J.(ORAL)

1. Rajan Singla son of late Sh. Prem Shanker Synghal has filed the present probate petition under Section 276 read with Section 300 and 273 of the Indian Succession Act, 1925 (hereinafter to be referred as “the Act”) for grant of letter of probate or administration in favour of the petitioner regarding the immovable property pertaining to the deceased Sh.Prem Shanker Synghal son of late Chirangi Lal on the basis of registered Will dated 11.07.2013 (Annexure P-3).

2. Respondents no.2 and 3 are the daughters of the said Prem



Shanker Syngal and have filed written statements in support of said registered Will dated 11.07.2013 and also in support of the petition.

3. The General Public was duly served through publication and no one on behalf of the General Public had appeared or raised any objection, which fact is apparent from the order dated 08.11.2024 passed by this Court.

4. It is the common case of the parties that Prem Shanker Syngal son of Chirangi Lal was the owner of several properties, the details of which had been mentioned in the registered Will dated 11.07.2013 and which included properties situated in Gurugram, New Delhi as well as Mumbai. It is further not in dispute that the deceased Prem Shanker Syngal was a permanent resident of House no.A-146, Sushant Lok, Phase-1, Gurugram and had died there and the said fact is established from the death certificate dated 11.10.2018 (Annexure P-1). As per the registered Will, the residential house bearing no.A-146, Sushant Lok, Phase-1, Gurugram had been bequeathed by the deceased in favour of his son i.e., the present petitioner, which is to be jointly held by him along with the deceased's daughter-in-law Mrs.Tinku Singla, wife of the petitioner. With respect to flat no.A-505, IRS (Mumbai) Housing Co-operative Society, ULwe node, Mumbai, it is the common case of the parties that 2/3rd share of the said property belonged to the deceased and 1/3rd share was owned by the petitioner and that the deceased had bequeathed his entire 2/3rd share in the said property in favour of the present petitioner to be enjoyed by the latter as the absolute



owner of the same. The Will dated 11.07.2013 executed by the father of the petitioner and respondents no.2 and 3 is a registered Will and had been executed in the presence of two attesting witnesses namely Sh. S.C. Arora, Advocate, District Court, Gurgaon and Sh.Anand Singla son of Sh. Rajan Singla and had been scribed and drafted by S.C. Arora, Advocate, District Court, Gurgaon. It is the specific case of both the parties before this Court that the said Prem Shanker Synghal had died on 11.10.2018 and after his death, he was survived by only three natural representatives i.e., the petitioner and respondents no.2 and 3, as his wife Sudarshan Synghal predeceased him on 18.11.2006 and with respect to the death of Sudarshan Synghal, death certificate dated 18.11.2006 has been annexed as Annexure P-2.

5. It would be relevant to note that the petitioner earlier had filed a probate petition before the District Court, Gurugram under Section 276 of the Indian Succession Act, 1925 titled as “Rajan Singla vs. General Public and Others” (Annexure P-5) and the Additional District Judge, Gurugram, vide order dated 05.02.2020 (Annexure P-6) had directed the issuance of publication in the newspaper for inviting objection and after the same having been done and no objection having been received, the Additional District Judge, Gurugram had proceeded against respondent no.1-General Public ex-parte vide order dated 03.11.2022 (Annexure P-9). The written statement was filed by the present respondents no.2 and 3 before the



Additional District Judge admitting the claim of the petitioner and the said written statement has been annexed as Annexure P-8.

6. The petitioner Rajan Singla was also examined in support of the probate proceedings before the Additional District Judge, Gurugram and the said affidavit / statement has been annexed as Annexure P-11. Both the attesting witnesses i.e., Subhash Chand Arora as well as Anand Singla were examined as PW-2 and PW-3 respectively and the statements suffered by them have been annexed at running page 55 and 58 of the present petition and the said PWs have fully supported the due execution of the registered Will dated 11.07.2013. An application for withdrawal of the said petition was filed on 23.04.2024 in view of the provisions of proviso (b) to Section 273 of the Act since one of the property was situated outside the State of Haryana, i.e., in Bombay and the value of the same was exceeding Rs.10,000/- and in the said circumstances, it is only this Court that could entertain the probate petition. In view of the said fact, the Additional District Judge, Gurugram, vide order dated 24.04.2024 permitted the petitioner to withdraw the said probate petition. A perusal of the above documents would show that even before the Additional District Judge, Gurugram the statements of two attesting witnesses and also of the petitioner were recorded in support of the registered Will and the General Public was duly served and no objection was received from the General Public and respondents no.2 and 3 herein had filed a written statement



admitting the case of the petitioner and also reiterating the due execution of the registered Will dated 11.07.2013.

7. Even in the present proceedings, respondents no.2 and 3 have filed two separate written statements dated 18.09.2024 specifically stating that the registered Will (Annexure P-3) was the last testamentary document executed by the father i.e., Prem Shanker Synghal and have further stated that they have no objection in case the letter of probate with respect to the property mentioned in the duly executed Will (Annexure P-3) is granted in favour of the petitioner, who is their brother. Even the affidavits of respondents no.2 and 3 have been filed along with their written statements. The respondent no.1-General Public had been duly served through publication and as has been recorded in the order dated 08.11.2024 no one had appeared on behalf of the General Public to raise any objection with respect to the registered Will or grant of probate. Additionally, Anand Singla had appeared on 14.01.2025 before this Court and had tendered his affidavit dated 09.01.2025 which was taken on record as Ex.PW1/1 and had also tendered the copy of the Will dated 11.07.2013 which was taken on record as Ex.PW1/2 (the original was shown to this Court and the same was returned). Learned counsel for respondents no.2 and 3 had specifically stated that he did not wish to cross-examine the abovesaid witness as the respondents no.2 and 3 were admitting the due execution of Will dated 11.7.2013 and accordingly, the cross-examination of said witness was



recorded as Nil. The order dated 14.01.2025 is reproduced hereinbelow:-

“CM-418-CII-2025

This is an application filed under Section 151 of CPC for placing on record the evidence of PW1 i.e., Sh. Anand Singla by way of affidavit.

For the reasons stated in the application, the same is allowed and affidavit of Sh. Anand Singla is taken on record.

Sh. Anand Singla son of Mr. Rajan Singla who has been recognized by his counsel and whose identity has not been questioned by counsel for respondent Nos.2 and 3, has tendered affidavit dated 09.01.2025 which is taken on record as Ex.PW1/1. The said Anand Singla has also been examined as PW1 and his statement has been separately recorded.

Learned counsel for the petitioner has submitted that he does not wish to lead any other evidence in affirmative and therefore, his evidence may be closed.

Ordered accordingly.

Learned counsel for respondent Nos.2 and 3 has submitted that he does not wish to cross-examine the abovesaid witness and his cross-examination be recorded as NIL. It is further submitted that respondent Nos.2 and 3 are admitting the due execution of Will dated 11.07.2013 and are also not opposing the same.

Adjourned to 03.03.2025 for arguments.

To be taken up at 01:45 pm.

14.01.2025

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“Rajan Singla Versus General Public and others



Statement of Anand Singla son of Mr. Rajan Singla, aged about 37 years, permanent resident of A-146, Sushant Lok, Phase-I, Gurgaon, District Gurugram, Haryana-122002, Aadhaar No.:9039 3549 3978 on SA.

I have tendered my affidavit dated 09.01.2025 as Ex.PW1/1 and also tendered the copy of Will dated 11.07.2013 as Ex.PW1/2 (original has been shown to this Court and returned).

Xxxx Opportunity given, NIL.

RO & AC

14.01.2025”

8. That the affidavit of Sh.Anand Singla, who was one of the attesting witness of the registered Will, which is Ex.PW1/1 is reproduced hereinbelow:-

“AFFIDAVIT of Sh. Anand Singla, about 37 years, son of Mr. Rajan Singla, permanent resident of A-146, Sushant Lok, Phase I, Gurgaon, District: Gurugram, Haryana - 122002, having Aadhaar Number: 9039 3549 3978

I, the abovenamed Deponent, do hereby solemnly affirm and state on oath as under:

- 1. That I am one of the attesting witnesses to the Last Will and Testament of Late Mr. Prem Shanker Synghal s/o Late Mr. Chirangi Lal (hereinafter referred to as "the Testator"), dated 11th July 2013.*
- 2. That the said Will was drafted by Sh. Subhash Chand Arora Advocate, Gurugram at the instructions of and in presence of Late Mr. Prem Shanker Synghal. That the*



contents of said Will dated 11.07.2013 were duly read to over and explained to the Testator by Sh. S.C. Arora.

3. That the said Will was signed by the Testator in my presence and in the presence of Sh. S.C. Arora, being the other Attesting Witness therein, who also appended his signature on the said Will in my presence. That I personally saw the Testator appending his signature on the said Will dated 11.07.2013. I say that the signing of the Will was done voluntarily, without any coercion, and in full consciousness by the Testator after reading and understanding its contents.

4. I say that the Testator was in sound mind and capable of making decisions at the time of signing the said Will. I say that the execution of the Will was done out of the Testator's free will and volition.

5. That I had appended my signature as an attesting witness on the said Will dated 11.07.2013 in the presence of the Testator and in the presence of other Attesting Witness i.e., Sh. S.C. Arora, when it was presented for registration before Sub-Registrar Gurugram.

6. That the Sub-Registrar Gurugram read over and explained the contents of Will dated 11.07.2013 to the Testator and to the attesting witnesses. That the testator i.e., Late Sh. Prem Shakar Synghal after understanding the contents of Will signed and thumb marked the said Will in presence of Sub-Registrar in my presence and we, the attesting witnesses, also signed and thumb marked the Will in presence of Late Sh. Prem Shakar Synghal.

7. That I identify my signature as well as signature of Late Mr. Prem Shanker Synghal and signature of Sh. S.C. Arora on the said Will and verify that the said Will is a genuine



document executed by the Testator as per their free and independent decision.

8. *That the Will on the basis of which the present Petition is filed was executed in my presence, as I was one of the witnesses to the execution of the Will, and the contents thereof are true and correct.*

A perusal of the above would show that the said Anand Singla had specifically stated that he was the attesting witness of the registered Will dated 11.07.2013 executed by Prem Shanker Syngal and drafted by Subhash Chand Arora, Advocate, Gurugram. It had further been stated that the said Will was duly read over and explained to the testator by S.C. Arora and was signed by the testator in Anand Singla's presence and in the presence of S.C. Arora, who had also appended his signatures on the Will in his presence. It was stated that the deponent personally knew the testator and that the testator had signed the Will voluntarily, without any coercion and in full consciousness. The said evidence of Anand Singla has gone unrebutted and the same duly proves the registered Will dated 11.07.2013. It would be relevant to note that the petitioner has additionally placed on record the affidavit dated 19.11.2024 of Sh.Subhash Chand Arora, the other attesting witness to the registered Will, along with the present petition by filing CM-21104-CII-2024 which also fully supports the due execution of the Will.

9. From the abovesaid facts and circumstances and also in view of the common case of the parties, it is clear that the due execution of the



registered Will dated 11.07.2013 has been duly proved and that the said registered Will is the last testament of the deceased Prem Shanker Syngal. No suspicious circumstances have been pointed out in the present case by any of the parties. Moreover, the petitioner is the son of the deceased and respondents no.2 and 3 are the daughters of the deceased and they have submitted that they have no objection in case the prayer made in the present petition is allowed. Thus, there is nothing on record to suggest that the prayer of the petitioner for grant of probate with respect to the registered Will dated 11.07.2013, should not be granted.

10. Before concluding, it would be relevant to note that the learned counsel for the petitioner has very ably highlighted the maintainability of the present petition before this Court even though one of the property which is subject matter of the Will in question is situated outside the jurisdiction of this Court i.e., in Bombay. Reference in this regard has been made by learned counsel for the petitioner to the judgment of the Bombay High Court in the case of ***Debabrata Saha, Testamentary Petition (L) No.25239 of 2022 decided on 02.01.2023***. A perusal of the said judgment would show that in the said case, the Testamentary Registrar therein had raised an objection to the effect that the petition therein could not be proceeded when the property shown in the schedule was situated outside the jurisdiction of the Bombay High Court, as one such property was in the State of West Bengal and the value of the same was in excess of Rs.10,000/-. In the said



situation, the Bombay High Court after taking into consideration the provision of Section 273 of the Act came to the conclusion that in case the value of the property situated outside the State of Maharashtra was more than Rs.10,000/-, then, the District Judge, Thane would not have the jurisdiction to grant probate / letters of administration rather the Bombay High Court would have the jurisdiction in view of the provision of Section 273(a) of the Act. It was additionally observed that since the deceased therein had died in the State of Maharashtra, thus, on the said count, it was the Court at Maharashtra who had the jurisdiction. The relevant portion of the said judgment is reproduced hereinbelow:-

“2. The Testamentary Registrar has raised the following preliminary objection viz.,

"Preliminary Objection -

How This Petition Can Be Proceeded When Deceased Residing At Thane And Outside The Jurisdiction And Property Shown In Schedule Is Also Situated At Outside The Jurisdiction, Please Verify And Petition To Be Accepted From Testamentary Registrar."

3. The learned Counsel appearing on behalf of the Petitioner has submitted that the deceased died intestate in Thane, ie., within the State of Maharashtra, however also left properties in the State of West Bengal, the value of which were far in excess of Rs.10,000/-. It is thus that the present Testamentary Petition has been filed in this Court.

4. The learned Counsel invited my attention to section 273 of the Indian Succession Act, 1925, which reads thus:-



*"273. **Conclusiveness of probate or letters of administration.**- Probate or letters of administration shall have effect over all the property and estate, movable or immovable, of the deceased, throughout the State in which the same is or are granted and shall be conclusive as to the representative title against all debtors of the deceased and all persons holding property which belongs to him and shall afford full indemnity to all debtors, paying their debts and all persons delivering up such property to the person to whom such probate or letters of administration have been granted:*

Provided that probates and letters of administration granted-

(a) by a High Court, or

(b) by a District Judge, where the deceased at the time of his death had a fixed place of abode situate within the jurisdiction of such Judge and such Judge certifies that the value of the property and estate affected beyond the limits of the State does not exceed ten thousand rupees, shall, unless otherwise directed by the grant, have like effect throughout the other States."

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11. I have heard the learned Counsel appearing on behalf of the Petitioner and also considered the provisions of section 273 of the Indian Succession Act, 1925. I am satisfied that in the facts of the present case, the preliminary objection raised by the Testamentary Registrar is required to be overruled. It is clear from the above that since the value of the property, which is situated outside the State of Maharashtra, is more than Rs.10,000/-, the District Judge, Thane would not have



the requisite jurisdiction to grant Letters of Administration in respect of the property and credits of the deceased, even though the deceased resided within the jurisdiction of the District Judge, Thane. Given this fact scenario, the Petitioner would have no option, but to file the present Petition before this Hon'ble Court under Clause (a) of section 273 of the Indian Succession Act, 1925. Though, this issue has now conclusively been determined by the Full Bench of the Madhya Pradesh High Court, however even on a logical reading of section 273 of the Indian Succession Act, 1925 provides that once the District Judge is denuded of his powers to grant the Letters of Administration, the sequitur would necessarily be that a party seeking Probate or Letters of Administration would then have to approach the concerned High Court under section 273(a) of the Indian Succession Act, 1925.

12. In this case, since the deceased was died in the State of Maharashtra, the jurisdiction to grant the Probate /Letters of Administration would be of this Court. The objection is thus dispensed with.”

11. On the said aspect, reference has also been made to the judgment of the Karnataka High Court in the case of ***Mr.Sivasubramanian Balaji and others vs. Nil, PROB. CP no.5 of 2022 decided on 18.11.2022*** in which case also the properties covered under the Will were situated in Chennai but the testator therein had died in Bengaluru and the death certificate regarding the same was on record. The Court at Karnataka had granted the probate in respect of the said properties which were covered under the Will dated 14.10.2011.



12. In the case of *Nidhi Kukal vs. General Public* reported as **2014 (57) RCR (Civil) 699**, a Coordinate Bench of this Court after taking into consideration the fact that the deceased therein had died in Chandigarh whereas the properties were situated in Mohali, had observed that in view of the provision of Section 270 of the Act, the Court at Chandigarh would have the jurisdiction as the testator therein had died in Chandigarh even though the properties were situated in Mohali.

13. In the present case since it is not in dispute that the deceased was a permanent resident of Gurugram and had also died in Gurugram, thus, the Courts exercising jurisdiction over Gurugram would have jurisdiction in the matter. However, since it is not in dispute that the value of the property situated outside of Haryana i.e., in Bombay is more than Rs.10,000/-, thus, the District Court would have no jurisdiction as per provision of Section 273 of the Act and this Court would have jurisdiction regarding the same.

14. Keeping in view the above said facts and circumstances, the present petition is allowed and probate is hereby granted in respect of the registered Will dated 11.07.2013 executed by late Prem Shanker Synghal.

15. Pending application, if any, stands disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

May 20, 2025.

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No