



2025:DHC:8780



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

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Date of Decision: 24th September, 2025

+ TEST.CAS. 13/2023 with I.A. 3938/2023

VEDANT KHANDELWAL

.....Petitioner

Through: Ms. Ritu Sobti and Mr. Anshvendra
Singh, Advocates.

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Ms. Priyanka Sethia and Ms. Poonam
Shekhawat, Advocates for R-2 to 4.**CORAM:****HON'BLE MR. JUSTICE AMIT BANSAL****AMIT BANSAL, J. (Oral)**

1. The present petition has been filed under Section 276 of the Indian Succession Act, 1925 seeking grant of Letter of Administration in respect of the Will dated 2nd July 2021 of late Smt. Sushila Khandelwal, who expired on 15th June, 2022 (hereinafter "testatrix").
2. The petitioner is the grandson of the testatrix and the son of respondent no.3. Respondent no. 3 and 4 are sons of the testatrix, and respondent no.2 is the daughter of the testatrix. Respondents no. 5, 6, and 7 are grandchildren of the testatrix.
3. The husband of the testatrix viz. Shri Jagdish Chandra Khandelwal had predeceased her on 12th May, 2020.
4. Notice in the petition was issued on 1st May, 2023 in terms of the order dated 28th February, 2023. In the order passed on 28th February, 2023,



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it was noted that since respondents no. 5, 6 and 7 are the grandchildren of the testatrix, it is not necessary to issue notice to them.

5. Original Will of the testatrix has been filed by the petitioner in a sealed cover along with the present petition. The death certificate of the testatrix has also been filed along with the present petition.

6. Citation has been published by the petitioner in respect of the present petition. No objections have been received pursuant thereto.

7. A reply on behalf of respondent no.2 has been filed supporting the case of the petitioner and affirming the execution of the Will by the testatrix. A reply on behalf of respondent no.4 has also been filed supporting the case of the petitioner and affirming the execution of the Will by the testatrix. Respondent no.3 has adopted the reply filed by respondents no. 2 and 4, as recorded in the order dated 31st October, 2023.

8. *Vide* order dated 29th April, 2025, it has been noted that the valuation reports for all assets which are subject matter of the Will dated 2nd July, 2021 are on record.

9. Evidence by way of affidavit dated 22nd May, 2025 has been filed on behalf of the petitioner (PW-1). The petitioner has attached the death certificate of the testatrix (Exhibit PW-1/5), along with the sale deeds/title documents of the immovable properties that are subject matter of the Will (Exhibit PW-1/2 to Exhibit PW-1/4).

10. Evidence by way of affidavit dated 22nd May, 2025 has been filed on behalf of one of the attesting witnesses, Rishabh Chaudhary (PW-2). PW-2 has exhibited the Will of the testatrix dated 2nd July, 2021 (Exhibit PW-2/1).

11. In the affidavit of evidence of PW-2, it has been stated that the subject Will was signed and executed by the testatrix in the presence of PW-2 and



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two other witnesses. PW-2 has identified the handwriting and signatures of the testatrix on the Will dated 2nd July, 2021. It is stated that at the time of execution, the testatrix was in fit state of mind and that she executed the said Will out of her own free will.

12. Statement of PW-1 and PW-2 has been recorded by the Joint Registrar on 3rd July, 2025.

13. As such, this is an uncontested case for grant of Letter of Administration.

14. Accordingly, the petition is allowed in favour of the petitioner.

15. It is a settled legal position that if the beneficiary is the natural legal heir of the testatrix, exemption can be granted from furnishing administrative-cum-surety bond. In the present case, the Will is executed by the grandmother in favour of her natural heir. The court is satisfied that the replies filed by the other legal heirs supporting the petitioner, entitle the petitioner to relief. The furnishing of administrative-cum-surety bond requirement is accordingly dispensed with.

16. Subject to the petitioner filing the requisite Court Fees, let the Letter of Administration be issued upon the petitioner in respect of the Will of the testatrix dated 2nd July 2021.

17. Petitioner is granted liberty to apply for the original documents filed in the petition.

18. The pending application stands disposed of.

AMIT BANSAL, J

SEPTEMBER 24, 2025/ds