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

+ **TEST.CAS. 10/2013**

Date of Decision: 07.08.2025

**IN THE MATTER OF:**

**SARDAR SARABJIT SINGH BEDI**

SON OF LATE SHRI S. SOHINDER SINGH BEDI

R/O 10/23-24, WEST PATEL NAGAR,

NEW DELHI – 110008

.....PETITIONER

*(Through: Ms. Kawaljit Kochar, Sr. Advocate with Mr. Deepanshu, Mr.Utkarsh Vats and Mr.Drouhn Garg, Advocates.)*

Versus

1. **STATE OF NCT OF DELHI**

2. **SMT. GURDARSHAN KAUR BEDI,**

W/O LATE SARDAR SOHINDER SINGH BEDI

R/O 10/23-24, WEST PATEL NAGAR,

NEW DELHI-110008

3. **SHRI HARJIT SINGH BEDI**

SON OF LATE SHRI S. SOHINDER SINGH BEDI

R/O 10/23-24, WEST PATEL NAGAR,

NEW DELHI-110008

4. **SMT. SUKHAMJEET KAUR**

D/O LATE SHRI S. SOHINDER SINGH BEDI

W/O SHRI DALJIT SINGH,

BLOCK 83, MEYER PARK,

# 02-01, MEYER PARK,

SINGAPORE-437910

..... RESPONDENTS

*(Through: None.)*



**CORAM:**

**HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV**

**J U D G E M E N T**

**PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

1. The instant petition under Section 276 of the Indian Succession Act, 1925 has been filed by Sardar Sarabjit Singh Bedi for grant of letter of administration (*hereinafter referred to as 'LoA'*) with respect to the estate of Late Sh. S. Sohinder Singh Bedi forming part of his last Will dated 05.04.2009.
2. The facts manifest that Late Sh. S. Sohinder Singh Bedi (*'hereinafter referred to as the testator'*) expired on 01.01.2013 leaving behind four legal heirs, description of whom are follows:-
  - i. Smt. Gurdarshan Kaur Bedi, Wife of late Sardar Sohinder Singh Bedi (Respondent no.2)
  - ii. Sardar Sarabjit Singh Bedi Son of late Shri S. Sohinder Singh Bedi (Petitioner)
  - iii. Shri Harjeet Singh Bedi Son of late Shri S. Sohinder Singh Bedi (Respondent no.3)
  - iv. Smt. Sukhamjeet Kaur Daughter of late Shri S. Sohinder Singh Bedi (Respondent no.5)
3. The testator left behind a Will dated 05.04.2009 (*hereinafter referred to as the 'Will'*) leaving behind all his estates to his elder son, namely, Sarabjit Singh Bedi.
4. Respondent no.1 and 4 has no objection to the Will. In fact respondent no.1 is one of the attesting witnesses of the Will and she has been duly examined. The second attesting witness is one Sh. Ramakant



Jena, who was a trusted servant of the testator. They have been cross-examined at length by the learned counsel for the only contesting respondent i.e., respondent no.3. It, however, be noted that Sh. Harjit Singh Bedi, respondent no.3 herein, had expired on 03.02.2024. His legal heirs have been duly brought on record vide order dated 06.09.2024 which is extracted as under:

**“I.A. No. 36240/2024 (by petitioner u/O XXIIRule 4 CPC for bringing on record LRs of R-3 Mr. Hariit Singh Bedi) and I.A. No. 36241/2024 (by petitioner for condonation of delay in re-filing IA No. 36240/2024)**

1. As per office noting, notice of the captioned IAs has been served upon proposed LRs no.(a) to (c) of respondent no.3 as well as to respondent no. 1 through counsel.
2. No reply to the captioned IAs has been served upon the respondent no.1 and respondents no.3(a) to (c).
3. Ld. Counsel for respondents no.3(a) to (c) submits that he does not wish to file any reply to the captioned IA and has no objection if the same is allowed. She seeks time to file vakalatnama and copy of death certificate of deceased respondent no.3. Let the same be filed within four weeks.
4. Ld. Counsel for petitioner has submitted that respondent no.3 has expired on 03.02.2024 and right to sue survives against LRs of respondent no.3 as mentioned in para 5 of IANo.36240/2024.
5. Heard. The factum of death of respondent no.3 is not disputed by the parties. Right to sue survives against LRs of respondent no.3, whose details are given in para 5 of the captioned IA. In the present facts, delay in filing IA No.36240/2024 is condoned and LRs of respondent no.3 as mentioned in para 5 of IA No.36240/2024 are brought on record. The amended memo of parties filed alongwith the captioned IAs is taken on record.
6. The captioned IAs stand disposed off accordingly.

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7. Perusal of order dated 25.02.2015 would show wherein it was already recorded that respondents no.2 & 4 are not contesting the present petition.
8. Ld. Counsel for LRs of respondent no.3 has submitted that all the three LRs of respondent no.3 do not wish to contest the present matter. She has further submitted that she will file vakalatnama on their behalf within 4 weeks.



9. At this stage, Ld. Counsels for both the parties have submitted that since the present matter is uncontested one, the same may be placed before the Hon'ble Court where they would make their further submissions.

10. Perusal of record would show that matter has not been listed before the Hon'ble Court after 07.11.2017.

11. At joint request, let the matter be placed before Hon'ble Court for case management and further directions on 18<sup>th</sup> October, 2024.”

5. In view of the aforesaid, it is seen that even the legal representative of respondent no.3, being his wife – Smt. Navneet Kaur and his sons – Sh. Tejeshwar Singh and Sh. Montek Singh, appeared in Court and had made a categorical statement that they do not want to contest the probate petition.

2. At this stage it is pertinent to note herein that this Court in the case of **Sh. Raj Rani Bhasin vs. State**<sup>1</sup>, has held that the person to whom LoA is granted does not thereby, become entitled to the property or estate of the deceased/testator and the estate still succeeds according to the law of succession applicable to the deceased/testator. The primary objective of a LoA, issued by the Court, is to authorize the appointed administrator to gather and consolidate the assets of the deceased or testator. It also allows the administrator to interact with relevant authorities where such assets are held or recorded, enabling the realization of those assets and facilitating their transfer to the rightful successors in accordance with the applicable laws of succession. It was further held that the administrator is required to, from time-to-time, to file accounts in the Court with respect to the administration of the estate and/ or as to how the estate has been settled/ transferred to the successors in accordance with the law of succession applicable to the deceased and upon the administrator defaulting in the

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<sup>1</sup> 158(200) DLT 713



same, the Court retains the power to revoke the grant. For the sake of clarity, Paragraph no.9 of the aforesaid decision reads as under:

*“9. The person to whom letters of administration are granted does not thereby become entitled to the property or estate of the deceased. The estate still succeeds according to the law of succession application to the deceased. The purpose of Letters of Administration is merely to enable the administrator so appointed by the Court to collect/ assimilate the properties of the deceased, and/ or to deal with the various authorities with whom the properties of the deceased may be vested or recorded and to realize the same and / or to have the same transferred in the names of the successors in accordance with law of succession applicable to the deceased. The administrator is required to, from time-to-time, file accounts in the Court with respect to the administration of the estate and/ or as to how the estate has been settled/ transferred to the successors in accordance with law of succession application to the deceased and upon the administrator defaulting in the same, the Court retains the power to revoke the grant*

6. In view of the legal position as explicated hereinabove and having gone through the affidavit of evidence of PW-1, i.e, Sh. Ramakant Jena and evidence of PW-2, i.e., Smt. Gurdarshan Kaur, the Court is satisfied that the requirement of the provisions of Section 276 of the Indian Succession Act, 1925 has been duly met.

7. The Court, therefore, directs that the LoA be issued in favour of the petitioner by the concerned Registrar subject to furnishing the bond as well as the payment of the applicable Court fee.

8. Ordered accordingly.

9. The instant petition stands disposed of along with other pending applications, if any.

**PURUSHAINDR KUMAR KAURAV, J**

**AUGUST 7, 2025/tr/mj**