



2025:DHC:12045



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of decision: 23rd December, 2025*+ **TEST.CAS. 31/2025**

TANMAYA CHOWDHARY

.....Petitioner

Through: Mr. Suman K. Doval, Mr. Ramesh Wangnoo and Mr. Lakshay Chaudhary, Advocates.

versus

STATE

.....Respondent

Through: Ms. Pavitra Kaur & Mr. Shrey Mishra, Advocates for Respondent.
Mr. Mrinal Kaushik, Advocate for all close relatives.**CORAM:****HON'BLE MR. JUSTICE AMIT BANSAL****AMIT BANSAL, J. (Oral)**

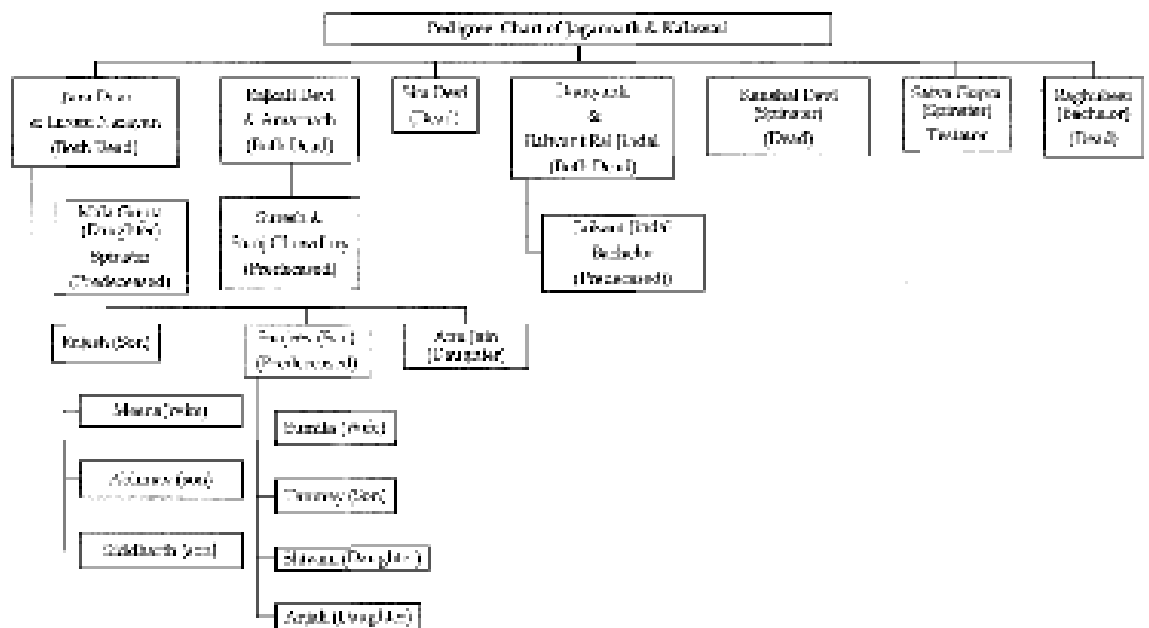
1. The present petition has been filed under Section 278 of the Indian Succession Act, 1925 (hereinafter '**Act**') seeking grant of Letter of Administration in respect of the Will dated 29th September 2023 (hereinafter '**Will**') of late Dr. (Prof) Satya Gupta, who expired on 29th June 2024 (hereinafter '**Testatrix**') at Max Super Specialty Hospital, Vaishali, Ghaziabad.

2. The present petition for grant of Letter of Administration has been filed with respect to the movable properties including bank accounts, bank lockers, etc. detailed in Schedule-III of the present petition and the following



two immovable properties (hereinafter '*subject properties*')

- a. House no. B-100, Swasthya Vihar, situated at Swasthya Vihar, Vikas Marg, Delhi-110092 measuring 200 square yards consisting of basement, ground floor, mezzanine floor, first floor and barsati.
 - b. Flat no. E-26, Sarita Vihar, New Delhi-110076.
3. The Testatrix did not marry during her lifetime and her parents predeceased her. The Testatrix had five sisters (Ms. Tara Devi, Ms. Sita Devi, Ms. Rajkali Devi, Ms. Damyanti and Ms. Kaushal Devi) and a brother (Shri Raghubeer Honi) and all of them had also predeceased her. The detailed family tree of the Testatrix has been filed with the present petition and the same is set out below:



4. The relatives of the Testatrix who, according to the Hindu Succession Act, 1956, are entitled to inherit the estate of the Testatrix in case of intestate succession has been listed in Schedule-I of this petition. The petitioner and the aforesaid relatives are the only surviving Class-I legal heirs of the Testatrix.



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5. As per the Will, the Testatrix bequeathed the subject properties in favour of the petitioner and his uncle, Shri Rajesh Chowdhry. The Will was executed in the presence of two witnesses namely Mr. Karan Garg and Ms. Shefali Maghan.
6. Notice in the present petition was issued to, and accepted on behalf of the respondent/ State on 28th March 2025. On the same day, notice was also issued to the five relatives listed in Schedule-I of the present petition.
7. Citations have been published by the petitioner in respect of the present petition in Jansatta (Hindi) New Delhi edition dated 18th April 2025 and The Indian Express (English), New Delhi edition dated 18th April 2025. No objections have been received pursuant thereto.
8. Counsel entered appearance on behalf of the aforesaid relatives on 1st May 2025. Affidavits of no objection have been filed on their behalf.
9. *Vide* order dated 25th July 2025 passed the Joint Registrar, it has been noted that the valuation reports in respect of the subject immovable properties have been filed by the concerned SDMs.
10. In view of the above, the matter was listed for recording of statement of the petitioner and the attesting witnesses on 18th December 2025. No formal issues were framed in the matter.
11. It is stated that the Will is the last and final will of the Testatrix, which was duly notarized on 29th September 2023. It is further stated that the Testatrix was of sound mind at the time of execution of the Will.
12. Statement of PW-1 (petitioner) has been recorded. The petitioner has affirmed the contents of the petition. The petitioner also produced the original Will of the Testatrix, which was taken on record and directed to be kept in a sealed envelope. The Original Will has been exhibited as Exhibit



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PW1/1.

13. Statements of PW-2 and PW-3 (attesting witnesses to the Will) have also been recorded by the Joint Registrar. The attesting witnesses had deposed that the Testatrix signed the Will in their presence. They had identified the signatures of the Testatrix. They had also asserted that the Testatrix was in good health and sound mind at the time of execution of the Will.

14. Accordingly, the Will stands proved in terms of Section 63 of the Indian Succession Act, 1925 read with Section 68 of the Evidence Act 1872.

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

16. 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 estate of the Testatrix has been bequeathed in favour of the petitioner and Shri Rajesh Chowdhry, who are the natural heirs of the Testatrix. The Court is satisfied that the petitioner is entitled to the relief sought in the present petition. The requirement for furnishing of administrative-cum-surety bond is accordingly dispensed with.

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

18. 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.

AMIT BANSAL, J

DECEMBER 23, 2025

Vivek/-