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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 9th September, 2025*+ **TEST.CAS. 37/2025 & I.A. 9464/2025****INDER SINGH**

.....Petitioner

Through: Mr. Varun Mudgil, Mr. Rakesh Kumar and Ms. Eti Kushwaha, Advocates.

versus

STATE & ORS.

.....Respondents

Through: Mr. Mohit Mudgal, Mr. Sandeep Yadav, Advocates for R-2 to R-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 probate in respect of the Will dated 7th February, 2019 of late Sh. Devinder Singh, who expired on 23rd May, 2019 (hereinafter “testator”).
2. The petitioner is the younger brother of the testator and also the executor of the Will. Respondents no.2 and 3 are the son and wife of the testator, respectively. Respondent no.4 is nephew of the testator.
3. Original Will along with the death certificate of the testator has been filed by the petitioner along with the present petition.
4. The respondents no. 2 and 3 have filed their No Objection Certificates



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for the grant of probate of the Will of the testator, on 29th April, 2025.

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

6. Evidence by way of affidavits dated 7th April 2025 of the two attesting witnesses Smt. Maya (PW-1) and Mr. Gurdeep (PW-2) were filed along with the petition.

7. In the affidavit of evidence of PW-1, PW-1 has stated that the subject Will was signed and executed by the testator in the presence of PW-1, who appended her signatures to the Will thereafter. It is further asserted that at the time of execution, the testator was in good health and sound mind and executed the said Will out of his own free will, in the presence of PW-1 and the other attesting witness, Mr. Gurdeep (PW-2).

8. In the affidavit of evidence of PW-2, PW-2 has also stated that the subject Will was signed and executed by the testator in the presence of PW-2, who appended his signatures to the Will thereafter. It is further asserted that at the time of execution, the testator was in good health and sound mind and executed the said Will out of his own free will, in the presence of PW-2 and the other attesting witness, Smt. Maya (PW-1).

9. The statements of No Objection by respondents nos. 2, 3 and 4, for the grant of probate of the Will of the testator, have been recorded before the Joint Registrar on 31st July, 2025. The statements of the two attesting witnesses, Smt. Maya (PW-1) and Mr. Gurdeep (PW-2), have also been recorded by the Joint Registrar on 31st July, 2025.

10. As such, this is an uncontested case for grant of probate.

11. Accordingly, the probate petition is allowed in favour of the



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petitioner.

12. It is a settled legal position that if the beneficiary is the natural legal heir of the testator, exemption can be granted from furnishing administrative-cum-surety bond. In the present case, it is stated that respondents no.2 and 3 are the only Class I legal heirs of the testator. The court is satisfied that the statement of No Objection by respondent no.4, entitles the petitioner to relief. The furnishing of administrative-cum-surety bond requirement is accordingly dispensed with.

13. Subject to the petitioner filing the requisite Court Fees, let the probate be issued upon the petitioner in respect of the Will dated 7th February, 2019 of late Sh. Devinder Singh.

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

15. Pending application stands disposed of.

AMIT BANSAL, J

SEPTEMBER 9, 2025

Vivek/-