



2025:DHC:9655



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

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Date of decision: 31st October, 2025

+ TEST.CAS. 69/2025

MS. NARGIS KALRA

.....Petitioner

Through: Mr. Anil Sharma, Mr. Arpit Sharma
and Ms. Kusum, Advocates.

versus

THE GOVT. OF NCT OF DELHI & ORS.

.....Respondents

Through: Ms. Rachita Garg and Mr. Agam
Rajput, Advocates for R-1.
Mr. Shivesh Kaushik, Advocate for
R-2, R-3 and R-4.**CORAM:****HON'BLE MR. JUSTICE AMIT BANSAL****AMIT BANSAL, J. (Oral)**

1. The present petition has been filed under Sections 276 and 278 of the Indian Succession Act, 1925 seeking Letters of Administration in respect of the Will dated 12th May, 2011 of late Shri Prem Chand Kalra, who passed away on 5th May, 2025 (hereinafter "Testator").
2. It is stated that the Letters of Administration are being sought only with respect to one (1) immovable property set out in the schedule of properties *i.e.* Flat No. 21, Ground Floor, DDA SFS, Rajouri Apartments, Opposite GOI Press, New Delhi-110064.
3. The petitioner and respondents no.2 and 3 are the only Class I legal heirs of the Testator. Respondent no.4 is the beneficiary to the extent of 10%

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undivided share in the estate left behind by the Testator.

4. Original Will of the Testator has been filed by the petitioner along with the present petition. The death certificate of the Testator is also on record.

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

6. A declaration by the attesting witnesses to the Will, Mr. Naresh Kumar Kalra and Mr. V.P. Thakral, has been filed along with the present petition.

7. The respondents no.2, 3, and 4 have filed their affidavits stating they have no objection to the grant of Letters of Administration of the Will of the Testator, on 30th July, 2025.

8. Statement of Mr. Naresh Kumar Kalra (PW-1), one of the attesting witnesses of the Will, has been recorded by the Joint Registrar on 15th October, 2025. In the statement 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 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-1 and the other attesting witness, Mr. V.P. Thakral.

9. Statement of the petitioner Ms. Nargis Kalra (PW-2) has been recorded by the Joint Registrar on 15th October, 2025, wherein PW-2 has affirmed the evidence filed by way of affidavit along with the petition. In her evidence by way of affidavit, PW-2 has affirmed that the Testator was her husband and the father of respondents no.2 and 3 and that the Testator passed away on 5th January, 2025. It is further stated in the affidavit that the



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Testator had executed a registered Will in the presence of two attesting witnesses.

10. It has been noted that the valuation report is yet to be filed in the present case.

10.1 In view thereof, valuation submitted on behalf of the petitioner in the affidavit of valuation is accepted.

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

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

13. 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 the petitioner and 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.

14. Subject to the petitioner filing the requisite Court Fees, let the Letters of Administration be issued upon the petitioner in respect of the Will dated 12th May, 2011 of late Shri Prem Chand Kalra.

AMIT BANSAL, J

OCTOBER 31, 2025

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