



2025:DHC:6279



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of Decision: 28th July, 2025*

+ CM(M) 1373/2025
SANJEEV SEHGAL

.....Petitioner

Through: Ms. Sunita Choubey, Mr. Vivek
Kumar Aurora and Mr. Anshu Kumar
Mishra, Advocates.

versus

STATE

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner herein has filed a petition seeking probate which has been registered as Probate Petition No. 64/2024.
2. The petitioner is son of Late Mr. Amar Nath Sehgal who, unfortunately, died on 11.06.2011.
3. During his lifetime, as averred, Mr. Amar Nath Sehgal executed a Will on 07.10.2008 bequeathing his entire movable and immovable assets in favour of the petitioner, to the exclusion of all other legal heirs.
4. The petitioner is having only one sibling i.e. his sister Ms. Komal Kapoor, and as per the averments made in the Probate Petition, she had also executed a relinquishment deed on 10.08.2008, surrendering her all rights and claim in the subject property in favour of the testator, thereby, divesting herself of any claim.



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5. The matter remained uncontested and no objection was received despite citation and the petitioner also examined himself as well as one attesting witness to the Will in question.
6. However, during the course of the hearing of final arguments, the learned Trial Court formed an opinion that Ms. Komal Kapoor (sister of petitioner) is also a necessary party and has a right to participate in the present proceedings and, therefore, has directed the petitioner to furnish her details so that she is also issued a notice with respect to the Probate Petition in question.
7. Such order dated 17.05.2025 is under challenge.
8. Undoubtedly, there is a relinquishment deed from the sister of the petitioner and, despite there being citation and publication, no objection was filed by anyone. Fact, however, remains that the powers of the Court, while dealing with a Probate Petition, are wide enough and the Court can issue citation calling upon any such person claiming to have any interest in the estate of the deceased, to come and to see the proceedings before grant of probate or, for that matter, *letters of administration*.
9. Reference in this regard be made to Section 283(1)(c) of Indian Succession Act, 1925.
10. Ideally, the abovesaid exercise should have been undertaken when the petition was filed and, if the learned Probate Court was having any doubt or uncertainty with respect to the relinquishment deed in question, it could have issued process to her, in the beginning.
11. However, it does not mean that the Court cannot issue process at a subsequent stage particularly where the probate petition was filed in the year 2024 whereas the *Will* in question is of 07.10.2008.
12. Keeping in mind the abovesaid specific provision and overall facts and



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circumstances of the case, this Court does not find any perversity in the impugned order as the learned Trial Court, in order to have its complete assurance about the relinquishment deed in question, seems to have directed issuance of process to her. Even if such action was little belated one, it cannot be said to be perverse in nature.

13. Resultantly, finding no illegality in the impugned order, the present petition is hereby dismissed.

14. All rights and contentions of the parties are left open.

(MANOJ JAIN)
JUDGE

JULY 28, 2025/ss/jyh/pb