



2025:DHC:11864



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

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Date of decision: 18th December, 2025

+ TEST.CAS. 93/2023 with I.A. 25322/2023

SMT. NIRLAPE KAUR HORA

.....Petitioner

Through: Mr. L. B. Rai, Mr. Satvik Rai,
Mr. Rohit Poddar and Mr. Vineesh
Tyagi, Advocates

versus

THE STATE

(GOVT. OF N.C.T. OF DELHI) AND ORS

.....Respondents

Through: Ms. Pavitra Kaur and Ms. Shreya
Mishra, Advocates**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 (hereinafter '*Act*') seeking grant of probate/ letter of administration in respect of the Will dated 3rd July 2014 (hereinafter '*Will*') of late Shri Gurcharan Singh Sarhadi, who expired on 26th September 2016 (hereinafter '*Testator*').

2. The Will of the Testator pertains to the immovable property bearing no. Flat no.7, Block no. C-20 situated at Vikas Nagar, Shimla-17009 and movable property including bank accounts, *i.e.*, Savings Bank Account no. 20072312473 in Bank of Maharashtra, UPSC Branch, New Delhi having a



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balance of Rs. 2,02,677.63/- (Rupees Two Lakh Two Thousand Six Hundred Seventy-seven and Paise Sixty-three only), as on 30th September 2016.

3. The petitioner is the real sister of the Testator and is a resident of B-403, Pawitra Apartments, Vasundhra Enclave, Delhi-110096.

4. The Testator had two brothers, Shri Bhupinder Singh Josh and Shri Jagmohan Singh, both of whom have expired. One of the brothers of the Testator, late Shri Bhupinder Singh Josh, have two sons, Shri Bhavdeep Singh (respondent no.2) and Shri Bhavsagar Singh (respondent no.3).

5. The Testator did not marry during his lifetime and is not survived by any legal heir except the petitioner and the respondents no.2 and 3.

6. The Testator, during his lifetime, was invariably residing with the petitioner in Delhi since there was no one in the family to look after him.

7. As per the Will, the Testator bequeathed his movable and immovable properties to the petitioner. The Will was executed in the presence of two witnesses namely Shri Arvind Batish and Shri Harnam Singh.

8. It is submitted that the Will is the last and final will of the Testator. The Testator was of sound mind at the time of execution of the Will.

9. It is submitted that one of the assets of the Testator, *i.e.*, the aforesaid Savings Bank Account no. 20072312473 is situated in New Delhi. Therefore, this Court has the territorial jurisdiction to try and adjudicate the present petition.

10. The petitioner, on 16th January 2017, filed a petition bearing no. PC 4/2017 before the ADJ-01, Patiala House Courts, New Delhi and the same was returned under Order VII Rule 10(2) of the Code of Civil Procedure, 1908 for want of territorial jurisdiction *vide* order dated 23rd May 2023.



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11. Notice in the present petition was issued to the respondents on 18th December 2023.
12. As recorded in order dated 22nd January 2024, the respondent no.1 has been served.
13. On 16th April 2024, the petitioner was exempted from newspaper publication of citation/ notice on the ground that newspaper publication of citation was already done on two occasions, *i.e.*, on 17th February 2017 and 28th September 2018 in the earlier probate proceedings before the Patiala House Courts in PC 4/2017. No objection has been received pursuant thereto.
14. As noted in the order dated 6th May 2024, the respondents no.2 and 3 have also been served. None has entered appearance on behalf of the respondents no.2 and 3 nor has any objection been filed on their behalf.
15. To be noted, the respondents no.2 and 3 were proceeded against *ex-parte* in the aforesaid proceedings before the ADJ, Patiala House Courts, New Delhi where the present petition was originally filed.
16. Accordingly, the respondents no.2 and 3 were proceeded against *ex-parte* by this Court on 28th January 2025.
17. The petitioner also filed an application being I.A. 30963/2024, for adopting evidence of the petitioner and Shri Arvind Batash, one of the attesting witnesses of the Will, which was recorded before the ADJ in the aforesaid proceedings on 24th April 2019.
18. On 4th August 2025, Registry of this Court was directed to requisition the record of the aforesaid case being PC 4/2017 from Patiala House Courts in a digitized format. The same has been embedded in the file of the present case.



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19. In view of the above, the matter was listed for the petitioner's evidence. No formal issues were framed in the matter.

20. Evidence by way of affidavit dated 23rd April 2025 has been filed on behalf of the petitioner (PW-1). The original Will has been exhibited as **Exhibit PW1/1**. The death certificate of the Testator has been exhibited as **Exhibit PW1/4**. A copy of details of the Savings Bank Account no. 20072312473 in Bank of Maharashtra has been exhibited as **Exhibit PW1/5**.

21. Statement of PW-1 (petitioner) has been recorded by the Joint Registrar through video conferencing on 31st July 2025.

22. I have also perused the Statement of Shri Arvind Batish recorded before the ADJ-01, Patala House Courts, New Delhi in PC 4/2017. He had deposed that the Testator has signed the Will in his presence. He had also identified the signatures of the Testator and the other attesting witness on the Will.

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

24. 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, the estate of the Testator has been bequeathed in favour of the petitioner, who is one of the natural heirs of the Testator. 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.

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

26. 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



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Testator.

27. All pending applications stand disposed of.

AMIT BANSAL, J

DECEMBER 18, 2025
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