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

+ TEST.CAS. 84/2025&I.A. 21489/2025

KRISHNENDU DATTA

.....Petitioner

Through: Mr. Manish Srivastava, Mr. Hardik Vashisht, Mr. Moksh Arora and Mr. Santosh Ramdurg, Advs.
M: 8510004533
Email: hardik@kdatta.in

versus

STATE & ORS.

.....Respondents

Through: Mr. Palash S. Singhai and Mr. Harshal Sareen, Advs. for R-1 to 3
(Through VC)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

29.01.2026

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1. The present petition has been filed under Section 276 of the Indian Succession Act, 1925 ("**Succession Act**"), seeking grant of probate in respect of the registered Will of the Testator, i.e., Late Shri Arun Raj Khanna ("**Will**"). The said Will was registered with the Office of the Sub-Registrar-VII, Delhi on 15th January, 2014, bearing Document No. 5, in Book No. 3, Vol. No. 539, on pages 91 to 93.
2. Learned counsel for the petitioner submits that the Testator was a Hindu by religion and is governed by the provisions of the Hindu Law.
3. The Testator died on 04th September, 2019, which has been duly recorded in the Death Certificate issued on 18th August, 2020. He is survived by his wife, i.e., Smt. Praveen Khanna and two sons, namely, Sh. Anshu Raj Khanna and Sh. Arjun Raj Khanna.



4. Learned counsel for the petitioner further submits that the Testator, during his lifetime, had executed his final Will dated 15th January, 2014, bequeathing all his movable and immovable properties, as provided in the *Schedule – A*, annexed with the present petition, to his wife, i.e., Smt. Praveen Khanna, making her the sole beneficiary and universal legatee of the said Will.

5. He submits that the deceased Testator had stated in his Will that the properties, being devolved upon respondent no. 1, i.e., Smt. Praveen Khanna, shall be mutated in her name in the records of the concerned authority, based on the Will dated 15th January, 2014.

6. It is submitted that the Will was duly attested by two witnesses, namely, Sh. U.P. Pandey, S/o. Sh. Ram Adhar Pandey and Sh. Srikant Behera, S/o. Sh. Ram Chandra Behera, and was executed in accordance with the law and in presence of the said attesting witnesses, a doctor, and the petitioner herein. Hence, the Testator, while executing the Will, was in a sound state of mind and the same was executed by him out of his own free will.

7. It is further submitted that the market value of the movable and immovable properties of the Testator, is estimated at approximately Rs. 69,31,70,714.73/-.

8. Learned counsel for the petitioner submits that the petitioner herein was an acquaintance of the deceased Testator and was appointed as a Sole Executor of the Will, wherein, it was stated that the Executor/petitioner shall obtain probate of the Will dated 15th January, 2014. Therefore, the present petition has been filed on behalf of the Executor.

9. Learned counsel appearing for the petitioner draws the attention of



this Court to the affidavits filed on behalf of the respondent nos. 2 to 4, now respondent nos. 1 to 3 as per the amended Memo of Parties dated 27th October, 2025, to submit that the Will in question has remained uncontested and that no objections, whatsoever, has been received from any of the respondents or any other party.

10. Learned counsel for the respondents puts in appearance and confirms the fact that the respondents have no objection, if the probate of the Will is granted by this Court.

11. Having heard learned counsels for the parties and after perusal of the documents on record, this Court notes that the deceased Testator, i.e., Late Shri Arun Raj Khanna, in his lifetime, had executed a Will dated 15th January, 2014, registered with the Sub-Registrar – VII, thereby, bequeathing all his movable and immovable properties, as provided in the *Schedule – A*, in favour of his wife, i.e., Smt. Praveen Khanna without any coercion and out of his own free will. The said *Schedule – A*, as attached with the present petition, is reproduced as under:

SCHEDULE-A			
LIST OF PROPERTIES			
1. Movable Properties:			
* Bank Accounts and Fixed Deposits:			
S.N.	Bank and Branch	Account No.	Amount (INR)
1.	Axis	9140110017000000	89887.49
2.	Axis PF	9140110026347523	1,58,168.00
3.	Syndicate/Cansara	9040110010000000	608491.00
4.	Syndicate/Cansara	9040110011000000	48,277.70
5.	Syndicate/Cansara	9040110011000000	24,398.10
6.	DFB	149000100129572	20,000.00
7.	DFB	8200100100000000	19,000.00
8.	Bank Of Baroda	20950100007091	1,75,000.00
Total			38,48,580.83/-
* Shares as held by Late Mr. Arun Raj Khanna: INR 5,15,16,700.90/-			
2. Immovable Properties:			
a. Rights, title and entitlement to the extent of one share in residential house bearing House No. 64, Golf Links, New Delhi 110003, with value of said same being INR Rs.61,98,68,800/-			
b. Agricultural land at Rithwala, Najibabad, Bijnor with the value of same being INR 1,77,36,000/-			
c. Agricultural land at Jattwala, Najibabad, Bijnor with the value of same being INR 4,64,600/-			



as the Sole Executor of the Will in question and that the petitioner is entitled to obtain probate, if necessary, without being required to furnish any security. The relevant portion of the Will, appointing the petitioner as the Sole Executor, is extracted hereinbelow:

“xxx xxxxxx

I also, hereby appoint Mr. Krishnendu Datta, resident of B-4/66 (Ground Floor) Safdarjung Enclave, New Delhi 110029 as the sole executor of this my Will, who will be entitled to obtain probate/letters of administration, if deemed necessary without being required to furnish any security.

xxx xxxxxx”

14. Further, this Court notes the statement made on behalf of the learned counsel for the respondents that the Will in question is not being contested by any of the respondents. The respondents have also filed their affidavits, in this regard, before this Court.

15. Affidavit on behalf of respondent no.1, i.e., Praveen Khanna, reads as under:

“

1, Parveen Khanna aged about 50 years, wife of Late Mr. Arun Raj Khanna, Resident of 64, Golf Links, New Delhi-110003, do hereby solemnly affirm and state as under:

1. That I am arrayed as Respondent No.2 in the above-captioned matter. I am well conversant with the facts and circumstances of the present case and hence, competent to swear the present affidavit.

2. I say that I am wife of Late Mr. Arun Raj Khanna, son of Late Prof. Veda Vyasa. I say that my husband Late Arun Raj Khanna passed away on 04.09.2019, Late Arun Raj Khanna, upon demise, is survived by following legal heirs: -

- (i) Parveen Khanna [Wife]
- (ii) Anshu Raj Khanna [Son]
- (iii) Arjun Raj Khanna [Son]

3. I say that my husband Late Arun Raj Khanna has left a registered Will dated 15.01.2014 as his last Will.





4. I say that I have No Objection if probate of the abovesaid Will dated 15.01.2014 of Late Mr. Arun Raj Khanna is granted by this Hon'ble Court.
5. I say that the contents of the present affidavit are true and correct to best of my knowledge.

Parveen Khanna

DEPONENT

”

16. Affidavit on behalf of respondent no.2, i.e., Anshu Raj Khanna, reads as under:

“ I, Anshu Raj Khanna aged about 50 years, son of Late Mr. Arun Raj Khanna, Resident of 64, Golf Links, New Delhi-110003, do hereby solemnly affirm and state as under:

1. That I am arrayed as Respondent No.3 in the above-captioned matter. I am well conversant with the facts and circumstances of the present case and hence, competent to swear the present affidavit.
2. I say that I am son of Late Mr. Arun Raj Khanna, son of Late Prof. Veda Vyasa. I say that my father Late Arun Raj Khanna passed away on 04.09.2019. Late Arun Raj Khanna, upon demise, is survived by following legal heirs: -
 - (i) Parveen Khanna [Wife]
 - (ii) Anshu Raj Khanna [Son]
 - (iii) Arjun Raj Khanna [Son]
3. I say that my father Late Arun Raj Khanna has left a registered Will dated 15.01.2014 as his last Will.



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4. I say that I have No Objection if probate of the abovesaid Will dated 15.01.2014 of Late Mr. Arun Raj Khanna is granted by this Hon'ble Court.
5. I say that the contents of the present affidavit are true and correct to best of my knowledge.

DEPONENT

”

17. Affidavit on behalf of respondent no.3, i.e., Arjun Raj Khanna, reads as under:

“ I, Arjun Raj Khanna aged about 49 years, son of Late Mr. Arun Raj Khanna, Resident of PO Box No. 27085, Dubai, UAE and presently at New Delhi, do hereby solemnly affirm and state as under:

1. That I am arrayed as Respondent No.4 in the above-captioned matter. I am well conversant with the facts and circumstances of the present case and hence, competent to swear the present affidavit.
2. I say that I am son of Late Mr. Arun Raj Khanna, son of Late Prof. Veda Vyasa. I say that my father Late Arun Raj Khanna passed away on 04.09.2019. Late Arun Raj Khanna, upon demise, is survived by following legal heirs: -
 - (i) Parveen Khanna [Wife]
 - (ii) Anshu Raj Khanna [Son]
 - (iii) Arjun Raj Khanna [Son]
3. I say that my father Late Arun Raj Khanna has left a registered Will dated 15.01.2014 as his last Will.





4. I say that I have No Objection if probate of the abovesaid Will dated 15.01.2014 of Late Mr. Arun Raj Khanna is granted by this Hon'ble Court.

5. I say that the contents of the present affidavit are true and correct to best of my knowledge.


DEPONENT „

18. Perusal of the aforesaid affidavits clearly shows that the respondents have given their no objection if probate of the Will is granted. As such, this is an uncontested case for grant of probate of Will.

19. This Court also notes the Valuation Report dated 02nd April, 2025, filed with the present petition, as per which, the net total value of the Estate of the deceased Testator is fixed at Rs. 69,27,25,714.73/-.

20. Thus, this Court finds no impediment in the grant of probate of Will in the present petition in terms of Section 276 of the Succession Act. Since, the petitioner herein is the named Executor of the Will dated 15th January, 2014, this Court is of the considered opinion that petitioner can be exempted from filing any Surety Bond. In this regard, it would be apposite to refer to the judgment passed in the case of **Arvind Nanda Versus State, 2020 SCC OnLine Del 2922**, wherein, it has been held as follows:

“xxx xxx xxx

10. The settled case law, therefore, clearly lays down the following principles:—

(1) The imposition of a condition for furnishing an indemnity/security is at the discretion of the Court.

(2) Whenever the Court is of the opinion that a condition is required to be imposed due to any debts and the fact that there is a possibility of other claimants raising claims, the condition may be imposed.



(3) *In every case involving the grant of a succession certificate, a mechanical approach of imposing a condition for furnishing the surety/security and insisting on the indemnity bond is not required.*

(4) **When an exemption from filing any surety is sought, the Court has to consider the entire conspectus and exercise its discretion depending on the facts of each case, in accordance with law.**

(5) **As held by the Id. Division Bench of this Court in Rajesh Kumar Sharma (supra), the imposition of a condition is not mandatory.**

xxx xxx xxx”

(Emphasis Supplied)

21. In view of the aforesaid legal position and considering the fact that the present petition is uncontested as all the respondents have given their no objection to the grant of probate, the petitioner, who is the named Executor, is exempted from furnishing the Surety Bond.

22. Accordingly, in the overall conspectus, the present petition is allowed. Subject to the petitioner filing the requisite Court Fee, the probate stands granted with respect to the Will dated 15th January, 2014, registered with the Office of Sub-Registrar-VII, Delhi, executed by Late Shri Arun Raj Khanna, with respect to the movable and immovable properties, as provided in *Schedule-A*.

23. The Registry is directed to issue a Certificate of Probate in favour of respondent no. 1.

24. With the aforesaid directions, the present petition, along with the pending application, is disposed of.

MINI PUSHKARNA, J

JANUARY 29, 2026/KR