



**IN THE COURT OF SH. HEM SINGH, DISTRICT JUDGE-01,
(EAST), KARKARDOOMA COURTS, DELHI**

PC No. 25/25
CNR NO. DLET010025392025

In the matter of:

Sh. Rajeev Gupta
S/o Late Sh. Shanti Swaroop Gupta
R/o H. No. 27, Shop Plot, Near D-Type Park,
Near Mother Dairy, Pandav Nagar,
Delhi-110092

.....Petitioner

Vs

1. **The State**
Through Chief Secretary,
Players Building,
Delhi Secretariat, GNCT of Delhi,
Indraprastha Marg, ITO,
New Delhi-110002
2. **Sh. Sanjeev Gupta**
S/o Late Sh. Shanti Swaroop Gupta
R/o H. No. 27, Shop Plot, Near D-Type Park,
Near Mother Dairy, Pandav Nagar,
Delhi-110092
3. **Smt. Suman Lata Gupta**
W/o Sh. Pradeep Gupta
R/o 452, Niti Khand-2,
Indirapuram, Ghaziabad, 2010014

.....Respondents

Date of Institution	:	22.05.2025
Order reserved on	:	01.06.2026
Order announced on	:	04.07.2026

PETITION U/S 276 OF THE INDIAN SUCCESSION ACT, 1925
FOR GRANT OF LETTER OF ADMINISTRATION/PROBATE
OF THE WILL

JUDGMENT

The present petition has been filed under Section 276 of the Indian Succession Act, 1925 seeking grant of Probate/Letters of Administration in respect of the registered Will dated 22.06.2018 executed by Late Shanti Swaroop Gupta concerning property bearing No. 27, Shop Plot, Near D-Type Park, Near Mother Dairy, Pandav Nagar, Delhi-110092.

1. BRIEF FACTS:-

a) It is averred in the petition that the petitioner is the son of the deceased testator and one of the beneficiaries of the Will dated 22.06.2018. Respondent No. 2 is the petitioner's brother and respondent No. 3 is his sister. That during his lifetime, the petitioner and Respondent No. 2 were residing with and taking care of the deceased and his property.

b) It is submitted that Late Shanti Swaroop Gupta executed his last Will dated 22.06.2018 voluntarily, in sound disposing mind and without any coercion or undue influence, in the presence of attesting witnesses Sh. Pradeep Gupta and Sh. Ayush Gupta. The Will was duly registered vide Registration No. 373, Book No. 3, Vol. No. 53 dated 20.07.2018.

c) It is further stated that as per the Will, after the demise of his wife Smt. Santosh Kumari Gupta, the aforesaid property shall bequeathed in favor of the petitioner Shri Rajeev Gupta and Shri Sanjeev Gupta in portions as specified in the Will along with

common usage rights in respect of the staircase, passage and roof area.

d) It is stated that Late Shanti Swaroop Gupta expired on 28.12.2022 and his wife Smt. Santosh Kumari Gupta expired on 28.10.2024, leaving behind the petitioner and Respondent Nos. 2 and 3 as the surviving legal heirs, therefore, as per the said Will, the aforesaid property devolved in favor of petitioner and respondent no. 2.

2. PROCEEDINGS:-

a) The notice of the petition was issued to the general public through State. The respondent/State was duly served by way of publication in the English newspaper “**The Statesman**” and Hindi newspaper “**Rashtriya Sahara**”.

b) Respondent no.1/State put its appearance and filed LR verification report in respect of LRs of Late Shanti Swaroop Gupta, and did not contest the petition. No one from the general public participated in the proceedings.

c) Respondent no. 2 and 3 who are the remaining LRs of deceased gave their no objection statements if the present petition is allowed in the favor of petitioner.

3. ISSUES:

Following issues were framed vide order dated 07.04.2026:

a) Whether the petitioner is entitled for grant of Will annexed Letter of Administration in respect of the Will dated 22.06.2018 executed by Lt. Shanti Swaroop Gupta in

respect of property no. 27, Shop Plot, Near D-type Park,
Near Mother Dairy, Pandav Nagar, Delhi-110092, as prayed
for? OPP

b) Relief.

4. EVIDENCE:-

a) In order to substantiate its case, the petitioner examined Sh. Pradeep Gupta/attesting witness of the Will dated 22.06.2018 as PW1. PW1 exhibited the will in question and site plan attached to the Will as **Ex.PW1/1 (colly.)**. Copy of his aadhar card is **Ex.PW1/2 (OSR)**. He identified the signatures of testator at **Point X, X1 to X13** and his thumb impressions at **Point Y, Y1 to Y13** on the Will-Ex.PW1/1. He also identified his signatures at **Point Z, Z1 to Z3** and his thumb impression at **Point A, A1 to A3** on the said Will. He further identified the signatures of another attesting witness namely Ayush Gupta on **Point B, B1 to B3** and his thumb impression **C, C1 to C3** on the said Will. He deposed that Late Sh. Shanti Swaroop Gupta and the another attesting witness, Sh. Ayush Gupta has signed the aforesaid Will in his presence and he had signed in their presence. PW1 further deposed that at the time of signing the said Will, testator was possessing sound state of physical and mental health and he was not suffering from any severe disease.

PW1 was not cross-examined as there is no contesting respondent.

b) Petitioner also examined himself as PW2 and tendered his evidence by way of affidavit **Ex.PW2/A**. He further relied up on the following documents:

- (i) **Ex.PW2/1(OSR)**: The copy of aadhar card of the deponent.
- (ii) **Ex.PW2/2**: Death certificate of late Sh. Shanti Swaroop Gupta.
- (iii) **Ex.PW2/3**: Death certificate of Late Smt. Santosh Kumari.
- (iv) **Ex.PW2/4**: Surviving Member Certificate.

He also relied upon the Will dated 22.06.2018 already exhibited as **Ex.PW1/1 (colly.)**.

PW2 was also not cross-examined as there is no contesting respondent.

c) Thereafter, petitioners' evidence was closed on the statement of petitioner on 01.06.2026.

d) Submissions heard. Record perused. Considered.

5. FINDINGS:-

a) The instant petition has been filed U/s 276 of Indian Succession Act, 1925. Petitioner on oath deposed that Lt. Shanti Swaroop Gupta died leaving behind his wife, petitioner and respondent no. 2 and 3 as his only legal heirs. The wife of the deceased has expired on 28.10.2024. Death certificates of mother and father of petitioner are also placed on record and same are exhibited as **Ex.PW2/3** and **Ex.PW2/2** respectively. LR verification in respect legal heirs of deceased person have been placed on record by the State/respondent no. 1 as per which deceased Shanti Swaroop Gupta is survived by only his wife, petitioner, respondent no. 2 and 3. Petitioner has deposed on the

lines of petition, while reiterating the facts and documentary record, which has already been narrated in the paragraph of brief facts.

b) There is no opposition to the present petition for grant of Probate/Letters of Administration from any quarter whatsoever. The respondent no. 2 and 3 had already gave their no-objection statements in favor of petitioner and have also submitted that they have no-objection if the letters of administration of the Will dated 22.06.2018 executed by Lt. Shanti Swaroop Gupta is granted in favour of the petitioner, namely, Rajeev Gupta. As per the case of the petitioner, the Will dated 22.06.2018 had been executed in presence of two attesting witnesses, however, one of the attesting witness namely Sh. Ayush Gupta is presently residing in Canada and was unable to give his statement. Hence, for the purpose of proving the Will, the petitioner, testified the other attesting witness/Sh. Pradeep Gupta who identified the signatures and thumb impressions of testator of the Will in question as well as the signatures and thumb impressions of himself and other attesting witness, thereby, duly proved the execution of the said Will. The said Will is duly registered at the Office of Sub-Registrar VIIIA, Preet Vihar, Delhi, therefore, carries presumption of genuineness. The Original Will is placed on record by the petitioner and is exhibited as **Ex.PW1/1 (colly.)**. It is no one's case that the aforesaid Will is not executed by Late Shanti Swaroop Gupta, therefore, in view of the testimony of PWs and other attending circumstances of the case, this court is of opinion that the petitioner has successfully proved the Will dated 22.06.2018.

c) In view of the petitioner's own testimony and no-objection

statements of respondent no. 2 and 3 brought on record, I am of the considered opinion that there is no impediment in granting Will annexed letters of administration in respect of Will dated 22.06.2018 in favour of the petitioner, in respect of property bearing No. 27, Shop Plot, Near D-Type Park, Near Mother Dairy, Pandav Nagar, Delhi-110092, as prayed for.

d) In view of above discussion, the petition filed by the petitioner, is hereby allowed and Will annexed letters of administration in respect of Will dated 22.06.2018 in respect of property bearing No. 27, Shop Plot, Near D-Type Park, Near Mother Dairy, Pandav Nagar, Delhi-110092 is accordingly, ordered to be issued in the name of the petitioner- Sh. Rajeev Gupta.

It is pertinent to mention herein that grant of this Will annexed Letters of Administration would not tantamount to be any declaration with regard to ownership or title of the estate of deceased.

6. Will annexed Letters of Administration will be issued on prescribed form VII but it would be subject to -(I) filing of appropriate of Court Fee; (ii) Administration Bond, with in 1 ½ months from today and subsequently, (iii) they will furnish full and true inventory of the said property and credits and exhibit the same in the Court within six months from the date of grant of Certificate on prescribed Form No. 178 and (iv) to render true account of said property and credits within one year on prescribed Form No.179.

7. The original Will **Ex.PW1/1 (colly.)** will remain and preserved with file in terms of Section 294 of the Indian Succession Act, 1925.

*Accordingly, the petition stands disposed of.
File be consigned to the record room as per rules.*

**Announced in the open
Court on 04.07.2026**

**(Hem Singh)
District Judge-01
(East)/KKD/Delhi**