
**IN THE COURT OF SH. SIDHARTH MATHUR,
DISTRICT JUDGE-01 (NORTH), ROHINI COURTS, DELHI.**



SUSHIL KUMAR

..... **PETITIONER**

THROUGH
SH.ABHAY SINGH,
ADVOCATE.

VERSUS

1. STATE

2. B. M. SINGH

3. HANS RAJ SINGH

4. SUNIL KUMAR

5. USHA PANU

..... **RESPONDENTS**

THROUGH
NEMO.

JUDGEMENT

1. CNR No.	:	DLNTO10016132014.
2. UNDER SECTION	:	LETTERS OF ADMINISTRATION.
3. DATE OF INSTITUTION	:	22 ND DECEMBER, 2014.
4. DATE OF FINAL ORDER	:	16 TH MARCH, 2026.
5. FINAL ORDER	:	ALLOWED

BRIEF FACTS

1) Mrs. Prem Lata, a widow, was the mother of the petitioner and R-2 to R-5. She owned a Flat/House No. B-2/S, on the second floor, in the Delhi

Police Cooperative Group Housing Society, which was built on plot No. 19/2 in Vijeta Vihar, Sector-13, Rohini, Delhi-110085. She left it to the petitioner in her **registered will, PW1/3**, dated 28th January 2010. After she sadly passed away on 24th August 2014 from cancer, the petitioner asked for the '*Letters of Administration*'.

2) The citations and publications were duly carried out. The publications appeared in the Hindi newspaper '*Navbharat Times*' on 3rd February 2015 and in the English newspaper '*Statesman*' on 14th February 2015. The Collector had submitted the valuation of the suit flat @ Rs. 49,01,760/-. No objections were raised by the public regarding the Will.

3) The remaining children of the testatrix, R-2 to R-5, were all served properly. R-2 was proceeded ex-parte on 16th July 2018 after he did not show up or argue. R-3 and R-5 gave their NOC in favour of the petitioner, as is clear from their statements recorded on 30th October 2015 and 1st December 2015.

Initially, the R-4 provided a NOC vide statement recorded on 24th August 2015, but later withdrew it, as mentioned in the order dated 20th October 2016. Consequently, he submitted his objections, arguing that **(1)** the Will was forged and made up; **(2)** the testatrix did not have a sound and capable mind because of her cancer; and **(3)** the witnesses who attested to the Will were not independent, as they were friends or relatives of the

petitioner.

TRIAL

4) The trial continued with the issues set out on 16th July 2018. The petitioner presented three witnesses. He himself appeared as PW1 and reaffirmed his petition in his affidavit PW1/A. Following this, he was cross-examined by R-4.

5) Next up was PW2 Narender Kumar Bansal, who was the person who actually witnessed the Will being executed and registered. Since he was a friend of the petitioner, the testatrix asked him to sign the Will. He also told the Court about how he witnessed the Will being signed, executed and registered. R-4 did not cross examine him being proceeded ex-parte by then.

6) The final witness was PW3 Deepak Kumar from the Sub-Registrar's office. He successfully proved the factum of the registration of the Will. R-4 also did not cross-examine him. The PE concluded on 1st March 2024, signifying the trial's conclusion, as R-4 did not present any evidence.

ISSUE-WISE FINDINGS

<u>Issue No. 1:</u> <i>Whether Smt. Prem Lata executed a Will dated 28-01-10? OPP.</i>

Issue No. 2: *Whether the said Will was executed by Smt. Prem Lata as per law in sound disposing mind? OPP.*

Issue No. 3: *Whether the petitioner is entitled to the grant of Letters of Administration as prayed for? OPP.*

7) These issues are all connected, so they will be looked at together. The petitioner has consistently said that his mother made her Will freely and with a clear mind, and then she registered it. This is also supported by the witness PW2, Narender Kumar Bansal, who attested the Will. This witness's testimony was not challenged because there was no cross-examination. In his uncontroverted deposition, he clearly stated that the Will he attested to was legally and validly made and registered by the Testatrix in his presence. The petitioner likewise in his testimony clearly mentioned that the Will's contents were explained to his mother in her own language by the document-writer. He also noted that the Sub-Registrar asked his mother in his presence whether she had made her Will voluntarily and with full understanding. The petitioner's cross-examination by R-4 was not effective enough to discard the combined effect of his testimony and that of his attesting witness. Further R-4 also did not produce any convincing evidence to contradict the petitioner's story. Instead of eliciting anything concrete during the petitioner's cross-examination, he chose to confront him with his bald suggestions that the Will was forged or that the Testatrix did not have a clear mind due to cancer. Indeed the Testatrix was suffering from cancer since 2004-05. But R-4 did not present any proof at all to suggest that the

cancer effected her mental abilities, which would have clouded her judgement. Without any medical or scientific evidence, it is not reasonable to assume that the Testatrix lacked mental clarity just because of her cancer. Additionally the fact that R-3 and R-5, the other siblings of the petitioner and R-4, gave their NOC supports the authenticity, truthfulness and legality of their mother's Will. The understanding of all the above clearly shows that the Will PW1/3 was executed by the Testatrix in sound mind, validly registered, and was her last Will. As the sole beneficiary, the petitioner is thus entitled to Letters of Administration qua the bequeathed property. Therefore, I am deciding all three issues in his favour.

RELIEF

8) Because of the reasons mentioned above, this petition is approved. The Letters of Administration be granted to the petitioner concerning the property in question, which is Flat/House No. B-2/S, on the second floor, in the Delhi Police Cooperative Group Housing Society, which was built on plot No. 19/2 in Vijeta Vihar, Sector-13, Rohini, Delhi-110085.

9) The Letter of Administration will be issued only after the petitioner pays the necessary Court Fees, Administration bond(s) and Surety bond(s) to the satisfaction of this Court. The valuation will be based on the assessment already provided by the competent authority.

The petitioner must also file the inventory of the deceased's scheduled property within six months of receiving the Letters of Administration, and the statement of account within a year after that.

This judgment has not decided the title or ownership of the property in question.

File be consigned to record room after due compliance.

**ANNOUNCED IN THE OPEN COURT
ON 16TH MARCH, 2026.**

**(SIDHARTH MATHUR)
DISTRICT JUDGE-01 (NORTH),
ROHINI, DELHI.**