

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



PC No. 30/2025

CNR No. : DLNT010111562025

Smt. Shakuntla

W/o Sh. Shiv Dev Singh
R/o 706, Bajwa Complex,
Sector-52, Kajheri,
Chandigarh-160036.

.... Petitioner

Versus

State

Govt. of NCT of Delhi
through its Chief Secretary/SDM,
Govt. of NCT of Delhi,
Delhi Secretariat,
New Delhi-110001.

....Respondent

<i>Date of Institution</i>	: 12.08.2025
<i>Date of arguments</i>	: 19.03.2026
<i>Date of Order</i>	: 19.03.2026

PROBATE PETITION U/S 276 AND SECTION 290 FOR THE GRANT OF PROBATE AND LETTER OF ADMINISTRATION OF INDIAN SUCCESSION ACT, 1925, OF WILL DATED 22.11.2016 EXECUTED BY SH.UMESH DHARIWAL S/O LATE SH. SHIV DEV SINGH R/O H.NO. 706, BAJWA COMPLEX, SECTOR-52, KAJHERI, CHANDIGARH.

JUDGMENT

1. The petitioner is the widow mother of the Testator Umesh Dhariwal. The petitioner alongwith the Testator had purchased the suit plot measuring 32 sq. mtr. bearing No. 314 in Block A, Pocket-2, Sector-29, Rohini, Delhi-110085. Both of them were the co-owners of the suit plot to the extent of 50% each. The Testator during his life time executed original Will dated 22.11.2016 Ex. PW1/3 in favour of the petitioner thereby bequeathing his 50% share of the suit plot. The Testator then passed away on 27.01.2018 as per death certificate Ex. PW1/1. Except for the petitioner, the Testator left behind no other legal heir. Accordingly on the basis of the aforesaid Will, the petitioner has now applied for the Letters of administration qua the suit plot.
2. After receiving the petition, notice was issued to the State as well as to the general public. The publication was made in the daily Hindi Newspaper, namely, "Veer Arjun" dated 23.09.2025 as well as daily English Newspaper, namely, "The Statesman" dated 22.09.2025. Despite the public notice, no objections were filed till date. The collector concerned got filed the valuation report whereby the valuation of the entire suit plot was assessed as Rs.22,42,560/-, whereby the value of the share of the Testator would come to around Rs.11,21,280/-.
3. The petitioner examined herself as PW1 via affidavit PW1/A. She reiterated the contents of the petition.

4. Petitioner also examined one of the attesting witness Monika Kashyap as PW2 via affidavit PW2/A. In her affidavit, she deposed that she has attested the execution of the Will by the Testator and that it was voluntarily executed. She also deposed that it was the last Will of the Testator. The PE was then closed on 19.03.2026.

5. **Section 218 of The Indian Succession Act, 1925** is being reproduced herein for sake of convenience and ready reference :-

218. To whom administration may be granted, where deceased is a Hindu, Muhammadan, Buddhist, Sikh, Jaina or exempted person. – (1) If the deceased has died intestate and was a Hindu, Muhammadan, Buddhist, Sikh or Jaina or an exempted person, administration of his estate may be granted to any person who, according to the rules for the distribution of the estate applicable in the case of such deceased, would be entitled to the whole or any part of such deceased's estates

(2) When several such persons apply for such administration, it shall be in the discretion of the Court to grant it to any one or more of them.

(3) When no such person applies, it may be granted to a creditor of the deceased.

6. **Section 278 of The Indian Succession Act, 1925** is also being reproduced herein for sake of convenience and ready reference :-

278. Petition for letters of administration –

(1) Application for letters of administration shall be made by petitioner distinctly written as aforesaid and stating –

(a) the time and place of the deceased's death;

(b) the family of other relatives of the

deceased, and their respective residences;

(c) the right in which the petitioner claims;

(d) the amount of assets which are likely to come to the petitioner's hands;

(e) when the application is to the District Judge that the deceased at the time of his death had a fixed place of abode, or had some property situated within the jurisdiction of the judge; and

(f) when the application is to be a District Delegate, that the deceased at the time of his death had a fixed place of abode within the jurisdiction of such Delegate.

(2) Where the application is to the District Judge and any portion of the assets likely to come to the petitioner's hands is situated in another State, the petition shall further state the amount of such assets in each State and the District Judges within whose jurisdiction such assets are situated."

7. In the aforesaid legal background, the evidence led on record now shall be analyzed. The un rebutted testimonies of the petitioner as well as her attesting witness clearly shows that the Will Ex. PW1/3 was legally and validly executed. The duly proved Will PW1/3 clearly shows that the Testator bequeathed his 50% share of the the suit plot in favour of his mother i.e. the petitioner. No objections have been received qua this Will from the general public. The Will has been duly proved to be a voluntarily executed last Will of the Testator. Vide this Will, the petitioner is the sole beneficiary. Since no executor was appointed qua the said Will, the probate cannot be granted. Instead, I am inclined to grant letters of administration qua the suit plot in favour of the petitioner.

8. Therefore, the present petition is hereby allowed and it is ordered that Letters of Administration be issued/ granted in favour of petitioner in respect of immovable property i.e. 50% of suit plot measuring 32 sq. mtr. bearing No. 314 in Block A, Pocket-2, Sector-29, Rohini, Delhi-110085.
9. The Letter of Administration shall be issued subject to furnishing by petitioner, the requisite court fees, administration bond and surety bond(s) to the satisfaction of the court. The valuation shall be based on the value already assessed by the concerned competent authority.
10. It is clarified that questions of title and ownership of the property have not been decided in this petition. Petitioner is hereby directed that an inventory of the scheduled property of deceased shall be filed in the court within six months from the date of grant of letters of administration and a statement of account shall also be filed within one year thereafter.
11. Accordingly, the present petition stands allowed and disposed of. File be consigned to record Room after necessary compliance.

Announced in the open court
on 19th day of March, 2026

(Sidharth Mathur)
District Judge-01/North
Rohini Courts/Delhi