

SMT HARVINDER KAUR DHEER Vs. STATE AND ORS

Jun 5, 23

Present: Mr. Rishabh Gulati, Id. Counsel for the petitioner
Mr. Yashpal Jolly, Id. Counsel for resp. no.2 and 3

Parties are still trying to settle the matter before the Mediation Centre. The next date of hearing before the Mediation Centre is 20.07.2023. However, pending mediation, issues can still be framed but trial of the same shall be subject to outcome of the mediation. The present petition has been filed for seeking letter of administration in respect of the Will dated 30.08.2013 purportedly left behind by late Smt. Kanwaljit Kaur Arora. Resp. no.2 and 3 are the husband and son of the purported testatrix respectively. The present petition has been opposed on the ground of maintainability and also for the reason that resp. no.2 & 3 has set up a Will of late Smt. Kanwaljit Kaur Arora, which is later in time. The Will set up by the petitioner is dated 30.08.2013 whereas Will set up by resp. no.3 is dated 29.11.2013.

Both the wills are registered documents.

From the respective pleading of the parties, following issues arise for adjudication:

1. Whether late Kanwaljit Kaur Arora left behind a registered will dated 30.08.2013 in a sound disposing mind. OPP?
2. In case issue no1 is decided in favour of the petitioner, whether she is entitled to letter of administration in terms of the abovesaid Will? OPP

Contd/-2..

3. Whether the petition is liable to be dismissed in view of the fact that the purported testatrix had prepared another Will dated 29.11.2013 in which she had revoked the earlier Will dated 30.08.2023? OPR 2 and 3

4. *Alternatively*, in case issue no.3 is not decided in favour of resp. no. 2 and 3, whether the petition is not maintainable in view of the fact that even under the Will set up by the petitioner, the property in question has been bequeathed to resp. no.2 and who has to take further steps for disposing off the immovable property for equitable distribution amongst petitioner and resp. no.2 and 3?

5. Relief.

No other issue arises or pressed. Put up the case for report of mediation on 25.09.2023. In case mediation is not fruitful, parties are free to move an application on a prior date for listing the matter for recording of evidence.

(Ajay Gulati-I)
ADJ-02, WEST / Jun 5, 23