

SMT RANJEET KAUR @ RANJIT KAUR Vs. THE STATE AND ORS

02.08.2023

Present: Sh. B.P. Vaishnav and Ms Brijesh Sharma, Id. Counsel for the petitioner alongwith son of petitioner in person.

Sh. Arun Nischal, Id. Counsel for R-3, 4, 5, 7 (A) (B) & 7C.

Following issues arise for adjudication:

1. Whether Smt. Raghubir Kaur, in her life time and sound disposing mind had prepared the Will bearing the registration date of 21.2.2006 and whether the same was duly registered before the Sub-Registrar II, Janakpuri by the purported testatrix? OPP
2. Whether the petitioner is entitled to grant of probate/letter of administration in respect of the above said Will being the sole beneficiary? OPP
3. Whether the petition is barred by limitation ? Onus on objecting respondents
4. Whether the purported testatrix was not in sound disposing mind at the time of registration of the Will? Onus on the objecting respondents
5. Whether the Will in question was obtained by the petitioner by playing fraud or alternatively whether it has been obtained under duress.? Onus on the objecting respondents
6. Relief

It needs a highlight that in the objections filed by the objecting respondents, disposing right of the purported testatrix over her share in property no. E-7, Bali Nagar, has been disputed. However, no issue has been framed to that effect since in a probate petition, it is only the validity of the Will which has to be adjudicated.

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No other issue arises or is pressed for.

Put up for petitioner's evidence by way of affidavits. Advance copy of the affidavit of the witness to be examined on the next date be supplied to the opposite party atleast one week prior to the next date of hearing. List of witnesses be filed within 1 month from today.

Put up for PE on 06.12.2023.

(Dr. Ajay Gulati)
ADJ-02, WEST
02.08.2023 (s)