

IN THE COURT OF MS. SHIVALI SHARMA, DISTRICT
JUDGE -06: CENTRAL DISTRICT, TIS HAZARI
COURTS, DELHI

PC No. 17/2025

IN THE MATTER OF:-

1. SMT. NEELAM

W/o Shri Sagar Mal,
D/o Late Sukh Ram
R/o H. No. T-121, Gali No. 21-A,
Sagar Store, Baljeet Nagar,
Patel Nagar, New Delhi-110008,

2. Smt. Geeta

W/o Shri Rohtash Kumar,
D/o Late Sukh Ram,
R/o H. No. D-42, 43 mar Colony,
Nangloi, Delhi-110041,

3. Shri Naresh,

S/o late Sukh Ram,
R/o Block-10/6762, Gali No. 03, Dev Nagar,
Karol Bagh, New Delhi-110005,
New Delhi-110005

.....petitioners

VERSUS

1. STATE OF NCT OF DELHI

2. SHRI RAJINDER KUMAR,

S/O LATE SUKH RAM,
R/O BLOCK -10/6762, GALI NO. 03,
DEV NAGAR, KAROL BAGH,
NEW DELHI-110005

.....RESPONDENTS

Other Details :

Date of Institution : 04.01.2025
Date of Reserving Judgment : 29.07.2026
Date of Judgment : 12.08.2026

**PETITION FOR PROBATE UNDER SECTION 276 OF
INDIAN SUCCESSION ACT FOR GRANT OF PROBATE
REGARDING PROPERTY BEARING MUNICIPAL NO. 6762,
AREA MEASURING 26 SQ. YDS. PLOT NO. 36, KHASRA
NO. 200/152, BLOCK NO. 10-B, GALI NO. 2, SITUATED AT
BASTI REGHAR, DEV NAGAR, KAROL BAGH, NEW
DELHI-110005**

JUDGMENT

1. The petitioners are daughters and son of Late Smt. Rudhi Devi W/o Late Sh. Sukh Ram. Late Sukh Ram, father of the petitioners expired on 18.10.1997 and late Rudhi Devi, mother of the petitioners expired on 06.04.2014, at Delhi leaving behind petitioners alongwith respondent No. 2 as their only legal heirs.

2. Before her death, late mother of the petitioners had made a will dated 12th day of February of 2014 in favour of petitioners and defendant No. 2 by virtue of which the testatrix had bequeathed the Ground Floor (without Terrace roof rights) in favour of Shri Naresh Kumar (Son), petitioner No. 3 herein; First Floor (without Terrace roof Rights) in favour of Shri Rajinder Kumar (Son)/ respondent No. 2; Second Floor (Without Terrace Roof Rights) in favour of Smt. Geeta (Daughter)/ petitioner No. 2 herein; and Third Floor (with Terrace Roof Rights) in favour of Smt. Neelam (Daughter)/ petitioner No. 1 herein from the House

Bearing Municipal No. 6762, Area Measuring 26 Sq. Yds. Plot No. 36, Khasra No. 200/152, Block No. 10-B, Gali No. 02, Situated at Basti Reghar, Dev Nagar, Karol Bagh, New Delhi-110005.

3. The said will was duly executed and registered with the Sub-Registrar as Will No. 1376 dated 12.02.2014 and document No. 84, Volume No. 1553, Book No. 03 on pages 1 to 3 dated 13.02.2014, registered by Sub-Registrar-III, New Delhi.

4. The petitioners and respondent No. 2 are the only legal heirs of late Smt. Rudhi Devi. Hence, the present petition has been filed seeking issuance of Letter of Administration in favour of the petitioners with will dated 12.02.2014 attached.

5. After filing of the present petition, the citation was published in the newspapers namely 'The Statesman' and 'Veer Arjun', calling upon the General Public to file their objections qua the issuance of letter of administration. However, no one has filed any objection against the petition. Notice was also issued to the State to file their objections, but no objections on behalf of the State have been filed. R-2 has given NOC vide order dated 28.04.2025. Thus, no objections to the petition have come on record.

6. **Petitioner No. 1** examined herself as **PW-1** and reiterated and stated on oath the contents of her plaint in her

evidence affidavit **Ex. PW-1/1**. She relied upon the following documents:

- 1) Copy of death certificate of Late Sh. Sukhram is **Ex. PW-1/A (OSR)**.
- 2) Copy of death certificate of my Late Smt. Rudhi Devi is **Ex. PW-1/B (OSR)**.
- 3) Copy of aadhar Card of PW-1 is **Ex. PW-1/C (OSR)**.
- 4) The original Will dated 12.02.2014 of late Smt. Rudhi Devi is **Ex. PW-1/D**.

7. **PW-2 Ms. Geeta** is the petitioner No. 2 and daughter of Late Rudhi Devi and Late Sukh Ram. She reiterated and stated on oath the contents of her petitioner in her evidence affidavit **Ex. PW-2/2**. She also relied documents Ex. PW-1/A to Ex. PW-1/D.

8. **PW-3 Sh. Naresh** is the petitioner No. 3 and son of Late Smt. Rudhi Devi and Late Sh. Sukh Ram. He reiterated and stated on oath the contents of the petitioner in his evidence affidavit **Ex. PW-3/A**. He relied upon already documents Ex. PW-1/A to Ex. PW-1/D.

9. **PW-4 Sh. Sagar Mal** is the witness to the Will **Ex. PW-1/D**. He tendered his evidence by way of affidavit **Ex. PW-4/A**. He deposed that he and other attesting witness namely Sh. Lalit Kumar were present at the office of Sub-Registrar at Asaf Ali Road at the time of execution of the Will (Ex. PW-1/D). He identified the thumb impression of the testatrix on the Will (Ex. PW-1/D). He identified his signatures and those of other attesting

witness namely Lalit on the Will Ex. PW-1/D. He further deposed that both the witnesses had signed the will in the presence of Smt. Rudhi Devi and Smt. Rudhi Devi was in fit state of mind and physical health at the time of execution of the will. He also identified the finger prints of Smt. Rudhi Devi on the backside of first page, his own finger prints and signatures and those of Latit Kumar on the Will Ex. PW-1/D.

10. The attesting witness was not cross-examined as there is no contesting respondent. The suit property lies within the jurisdiction of this court. The death certificates of the testatrix and her husband are exhibited as Ex. PW-1/A and Ex. PW-1/B.

11. The Indian Succession Act provides the method of execution of the will. As per the Section 63 of Indian Evidence Act, the testator is to sign/acknowledge the will in presence of the attesting witnesses and the attesting witnesses shall sign the will in presence of the testator.

12. As per Section 68 of Indian Evidence Act, one of the attesting of the witnesses needs to be examined to prove the Will. In the present case, the testimony of the attesting witness has proved the impugned will. The testimony of the attesting witness has not been rebutted and there is no reason to doubt the same. Sh. Sagar Mal/PW-4 has duly explained the execution of the Will by the testatrix in the presence of both the witnesses and

also the registration of the same. He identified signatures of testatrix and the witness to the will and also deposed that the testatrix was in sound disposing mind at the time of executing the will and was aware about the nature of the document being executed by her. The Will (Ex. PW-1/D) also bequeathes the property of the testatrix in a reasonable manner among all her LR's. No suspicious circumstances surrounding the execution of the Will have come on record.

13. There is no challenge to the impugned Will by any other person. It is to be noted here that as per the Section 222 of the Indian Succession Act, 1925 the probate of the will is given to the executor of the will only. In the present will, there is no executor. However, in absence of executor, the Letter of Administration can be given to the beneficiaries of the will. The petitioners are the beneficiaries of the will. **As a result, they are entitled to get the letter of administration with will Ex. PW-1/D annexed in their favour.** The petitioners shall file an inventory containing a full and true estimate of all the property in possession within 06 months from the date of grant of Letter of Administration, or within such further time as this Court grants and shall exhibit in the Court an inventory containing a full and

true estimate of all the property in possession, and all the credits, and also all the debts owing by any person to which the executor or administrator is entitled in that character; and shall in like manner, within one year from the grant or within such further time as the said Court may appoint, exhibit an account of the estate, showing the assets which have come to his hands and the manner in which they have been applied or disposed of.

14. Before parting with the present matter, it is clarified here that this judgment cannot be put to any use unless formal probate alongwith Letter of Administration is issued on filing of court fees and administration bond cum surety bond.

15. File be consigned to Record Room as per rules.

Announced in open Court

Dated: 12.08.2026

(SHIVALI SHARMA)
District Judge-06 (Central)
Tis Hazari Courts, Delhi