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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **TR.P.(C.) 206/2025, CM APPL. 73025/2025**

SMT SHASHI KIRAN SETHI

.....Petitioner

Through: Mr. Achin Mittal and Mr. Vikas
Pandey, Advocates.

versus

STATE (NCT OF DELHI) & ANR.

.....Respondent

Through: Mr. Tushar Mahajan and Mr.
Tanmay Surana, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **09.12.2025**

CM APPL. 73026/2025 (*Exemption*)

1. Allowed, subject to all just exceptions.
2. The present application stands disposed of.

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3. By virtue of the present petition under *Section 24* read with *Section 151* of Code of Civil Procedure, 1908 (*CPC*), the petitioner seeks transfer of Probate Case No. 13 of 2025 entitled “*Smt. Shahsi Kiran Sethi vs. State (NCT of Delhi) & Anr.*” presently pending before the learned District Judge-02, West District, Tis Hazari Courts, Delhi to this Court as also consolidation thereof with TEST CAS 63/2025 entitled “*Sarla Kapoor vs State (NCT of Delhi) & Ors.*”.
4. Learned counsel for the petitioner submits that since both the cases being Probate Case No. 13 of 2025 entitled “*Smt. Shahsi Kiran Sethi vs.*



State (NCT of Delhi) & Anr.” and TEST CAS 63/2025 entitled “***Sarla Kapoor vs State (NCT of Delhi) & Ors.***” relates to the Will of Late Sh. Jagdish Mohan Rai Kapoor, and there is a significant risk of conflicting judgment, it is in the interest of the parties to allow the present transfer petition.

5. Issue notice.

6. Learned counsel appearing for respondent no.2 accepts notice. At the outset, relying upon ***Sameer Kapoor & Anr. vs. State through Sub-Division Magistrate South, New Delhi & Ors.: (2020) 12 SCC 480***, submits that the present petition *per se* is not maintainable in view of the findings rendered therein.

7. In fact, the relevant portion thereof is reproduced as under:

“14.1. When an application under Section 276 of the Act is submitted for probate or for letters of administration with will, if any objection is raised by anybody with respect to execution of the will, in that case, the applicant is required to prove the will and thereafter the will shall be probated and the court may pass an order for letters of administration. However, in a case where a will has been proved or deposited in a court of competent jurisdiction situated beyond the limits of the State, whether within or beyond the limits of India, in that case, as provided under Section 228 of the Act, when a properly authenticated copy of the will is produced, the letters of administration may be granted in favour of such person. Meaning thereby, in such a situation, the will is not required to be proved again and it shall be conclusive. Therefore, Section 228 of the Act shall be an enabling provision and it confers an additional right to apply for letters of administration on the basis of such authenticated copy of the will. Therefore, as rightly observed by the learned Single Judge and the Division Bench that Section 228 is akin to Section 276 of the Act.”



8. On the petitioner taking steps within a week, issue notice through all modes to respondent no.1.
9. Renotify on 10.02.2026.
10. It is clarified that since there is no stay of any proceedings *inter se* the parties, the learned trial court (s) is/are free to proceed in accordance with law.

SAURABH BANERJEE, J

DECEMBER 9, 2025/NA