



\$~O-55

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

+ TEST.CAS. 76/2008

MS. MADHAVI AHLUWALIA & ORS

.....Petitioners

Through: Mr. Raman Kapur, Sr. Advocate with
Mr. Varun Kapur, Advocate.

versus

STATE

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

%

21.08.2025

1. This petition is for grant of probate with respect to Will dated 30.10.2000, filed by the daughter and grand children of late Ram Chandra Sharma.
2. During the course of trial, one of the attesting witnesses, namely Ms. Rajni Bhatia appeared, and she deposed that she has witnessed late Ram Chandra Sharma affixing his signature on each page of the Will in her presence, as well as in the presence of Mr. Amrit Lal Ahluwalia, the other attesting witness. Ms. Rajni Bhatia had also deposed that Late Ram Chandra Sharma was in sound mind, and the Will was registered on 30.10.2000 before the Sub-Registrar.
3. The other attesting witness, namely Mr. Amrit Lal Ahluwalia, since had expired in the year 2002, his son, namely, Mr. Anoop Ahluwalia, appeared in the witness box and deposed that the signatures over the Will



are of his late father. According to him, his father and Late Ram Chandra Sharma visited the office of sub-Registrar.

4. Mr. Anoop Ahluwalia also deposed that he recognises the signatures of his late father Mr. Amrit Lal Ahluwalia on the Will and he witnessed him signing the Will and also saw Ms. Rajni Bhatia signing the Will.

5. It be also noted that Late Ram Chandra Sharma has also executed another Will of the same date on 30.10.2001, with respect to some other properties. The Court *vide* order dated 29.11.2010 in Test Cas. No. 38/2001 rendered the findings as under:-

“37... Admittedly, the grandchildren of the deceased had not applied for probate of the Will executed in their favour nor had this Will been setup by them in any proceedings before it came to light during examination of PW-5 in this case. This, in turn, indicates that the petitioner Madhavi Ahluwalia was not present in the office of Sub Registrar on 30th October 2000, though it is recorded in the Will Ex.PW2/1 that execution of the Will was admitted by her. The objector Smt. Asha Sharma has admitted that part of the agricultural land in Village Alwar has been sold by her after death of late Sh. Ram Chander Sharma. Had the petitioner been aware of the Will Ex.PWS/1 executed on the very same day on which the Will in her favour Ex.PW2/1 was executed, she would have sought probate of this Will on behalf of her children and would not have allowed the objector to sell part of the aforesaid agricultural land.

38. For the reasons given in the preceding paragraphs, I hold that Will Ex.PW10/1 was duly executed and got registered by late Sh. Ram Chander Sharma on 30th October 2001 and that he was in a sound disposing mind to execute the aforesaid Will. The issues are decided in favour of the petitioner and against the objector.

6. Even the appeal against that judgment was dismissed by the Division Bench on 28.02.2013.

7. It be noted that the attesting witnesses of both the Wills are the same. The objection, however, was raised during the trial by Ms. Asha Sharma, who appears to be the third wife of Late Ram Chandra Sharma. It is the case



of the petitioner that in the Family Court, Bombay, the petition was filed by Ms. Asha Sharma, and during cross-examination, it has come on record that Late Ram Chandra Sharma and Ms. Asha Sharma were not having good relations.

8. Even otherwise, nothing concrete has been brought on record by the objector to raise any reasonable doubt about the execution of the Will dated 30.10.2000.

9. Under these circumstances, there is no impediment to issue the letter of probate, subject to the necessary compliances under law.

10. Petition stands disposed of.

11. List before the Joint Registrar on 15.09.2025 for compliance.

PURUSHAINDR KUMAR KAURAV, J

AUGUST 21, 2025

tr/sp