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

+ **TEST.CAS. 1/2026, I.A. 476/2026**

MANASH SARKAR

.....Petitioner

Through: Mr. Ashok K Singh, Ms. Vinita Singh, Mr. Deepak Kumar, Ms. Samridhi Singh, Ms. Anchal Bindal, Advocates

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

09.01.2026

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1. This Petition has been filed under Section 276 of the Indian Succession Act, 1925 for grant of probate in respect of the Will dated 11.03.2021 left behind by the mother of the Petitioner - Smt. Dipali Sarkar, who passed away on 07.05.2021.

2. The facts, as narrated in the Petition, reveals that the plot bearing No. F-1189, Chittranjan Park, New Delhi, was allotted to the father of the Petitioner herein – Late Sh. N. C. Sarkar, in the year 1973. It is stated that Late Sh. N. C. Sarkar constructed a house over the said Plot, constituting the ground floor, first floor, second floor and third floor. It is stated that later on first floor of the house was sold to a third party. It is stated that a Will dated 03.12.2013 was executed by Sh. N. C. Sarkar bequeathing all his movable

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and immovable assets including House bearing No. F-1189, (Ground Floor, Second Floor and Third Floor) Chittranjan Park, New Delhi, in favour of his wife – Smt. Dipali Sarkar. It is stated that Sh. N. C. Sarkar passed away on 03.12.2015. It is stated that a Suit, being CS (OS) No. 29/2021, was filed by the Respondent No.2 herein, who is the sister of the Petitioner herein, before this Court seeking Partition, rendition of account and permanent injunction and for interim injunction seeking her share in the movable and immovable property of Late Shri. N.C. Sarkar. The said Suit is still pending. It is stated that the mother of the Petitioner also filed a Probate Petition, being Test Case No. 22/2021, before this Court for grant of probate in respect of the Will dated 03.12.2013, executed by Late Sh. N. C. Sarkar. It is stated that the said Petition is still pending before this Court. It is stated that the mother of the Petitioner, i.e. Smt. Dipali Sarkar, passed away on 07.05.2021. However, before passing away, Smt. Dipali Sarkar executed a Will dated 11.03.2021 bequeathing all her movable and immovable properties, including the House bearing No. F-1189, (Ground Floor, Second Floor and Third Floor) Chittranjan Park, New Delhi, in favour of the Petitioner herein. It is stated that since Test Case No. 22/2021 was pending before this Court, in order to save the said case from getting abated, the Petitioner and the Respondents No. 3 & 4 herein, moved an application I.A. No. 16742/2021 under Order 1 Rule 10 CPC seeking transposition as Petitioners in the said case. However, the said application was later on withdrawn. The Petitioner has, thereafter, filed the present Petition.

3. Issue Notice.

4. On Petitioner's taking steps, let notice be served to the Respondents through all permissible modes, including *Dasti*.



5. In addition, publication shall be effected on one Hindi and one English newspaper. Let the draft notice for publication be placed before the learned Joint Registrar (Judicial) on the next date of hearing.
6. The concerned SDM shall place on record the valuation report of the movable and immovable assets before the next date of hearing.
7. List before the learned Joint Registrar on 09.02.2026.

SUBRAMONIUM PRASAD, J

JANUARY 09, 2026

Rahul