

Parambir Singh Vs. State and Another

Parambir Singh Vs. State and Another

SooperKanoon Citation : sooperkanoon.com/1162955

Court : Delhi

Decided On : Aug-25-2014

Judge : G.P. Mittal

Appellant : Parambir Singh

Respondent : State and Another

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI Pronounced on:

25. h August, 2014 + TEST. CAS. 70/ 2011 PARAMBIR SINGH Through:
Petitioner Mr. Amarveer S. Bhullar, Advocate & Mr. Mandeep Bansal, Advocate.
Versus STATE & ANOTHER Through: Respondent Nemo CORAM: HON'BLE
MR. JUSTICE G.P. MITTAL¹ This petition under Section 274 of the Indian
Succession Act, 1925 (the Act) for grant of probate is in respect of the Will dated
08.12.2003 executed by Late Rajinder Singh and duly registered in the office of
Sub-Registrar-II, Janakpuri, New Delhi vide Registration No.53070, Book No.III,
Pages 86-89, Volume No.6070.

2. It is alleged that deceased Rajinder Singh (Testator) died on 31.07.2010 at New
Delhi leaving behind his wife Samittar Kaur, his son Satinder Pal Singh and two
married daughters Amarjeet Kaur and Swaran Jit Kaur. He left behind several
immovable properties, i.e. Quarter No.40/ 4, Double Story, Tihar-II, Ashok Nagar,
New Delhi; Land House Tubewell etc. at Village Dhaulpur, Tehsil Batala, Distt.

Gurdaspur, Punjab and House No.52 (plot), Dashmesh Colony, Rajpura, Distt Patiala, Punjab.

3. Widow of deceased Rajinder Singh also expired on 15.11.2010. Testators son Satinder Pal Singh too died on 18.10.2007. It is stated that after the death of his father Satinder Pal Singh, the Petitioner himself and his mother Jasbinder Kaur, Respondent No.4 had a right to succeed to the estate of the deceased Rajinder Singh. It is averred that the Respondents who are his two buas i.e. fathers sisters and his mother have filed their no objection to the grant of probate in respect of the Will dated 08.12.2003. It is prayed that the Petitioner being the beneficiary of the Will is entitled to the probate of the Will.

4. Notice of the petition was issued to the Respondents and citation to the general public as also to the legal heirs was also published in the Hindustan Times, Delhi edition on 25.05.2012.

5. The near relations Respondents No.3 to 5 filed their affidavits-cum-no objection for grant of probate in respect of the Will of Late Rajinder Singh in favour of the Petitioner. Respondent No.2 and also Respondents No.3 to 5 appeared before the learned Joint Registrar and made statements dated 29.02.2012 and 16.10.2012 and testified about their no objection to the grant of probate in respect of the Will executed by Late Rajinder Singh.

6. In support of the petition, the Petitioner has filed his own affidavit Ex. PW1/A. He testified that Late Shri Satinder Pal Singh, who was an attesting witness to the Will was his father and he died on 18.10.2007, whereas Smt. Samittar Kaur, the deceaseds widow had died on 15.11.2010. The death certificates of Late Shri Satinder Pal Singh and Late Smt. Samittar Kaur were proved as Exts. PW1/ 3 and PW1/ 2 respectively. Death certificate of deceased Rajinder Singh was proved as Ex. PW1/ 4. The valuation in respect of the three properties has been received. It is stated by the concerned Revenue Officer that the market value of property No.40/4, Double Story, Ashok Nagar, New Delhi is Rs. 69,58,034/-; value of agricultural land at Village Dholpur, Teshil Batala, Distt. Gurdaspur, Punjab including the Tubewell is Rs. 57,55,000/- (Rs. 57,05,000/- + Rs. 50,000/-) and market value of House No.52 (plot), Dashmesh Colony, Rajpura, Distt Patiala,

Punjab is Rs. 1,09,00,000/-.

7. I have heard learned counsel for the Petitioner and perused the record.

8. The registered Will Ex. P1 has been proved by the Petitioner by identifying the signatures of the Testator and the attesting witness Shri Satinder Pal Singh, who was the father of the Petitioner and has since expired. The whereabouts of the other attesting witness described in the Will, namely, Mr. Rajan Mahajan, Advocate could not be known. Thus, the execution of the Will Ex. P1 is proved in good health and sound mind by the testimony of PW1. All the more, there is no contest as all other relations, who were heirs of deceased Rajinder Singh, have also submitted their no objection to the grant of probate in favour of the Petitioner. I do not feel any legal impediment in grant of probate in favour of the Petitioner.

9. The petition is accordingly allowed. I hereby grant probate of the Will dated 08.12.2003 of Late Shri Rajinder Singh in respect of the properties as mentioned in favour of the Petitioner subject to the Petitioner filing necessary court fee and furnishing an administrative and surety bond.

10. The petition is disposed of accordingly.

11. Pending applications are also disposed of. (G.P. MITTAL) JUDGE AUGUST25 2014 pst

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com