

**Dalip Kumar Harjai & Anr vs.state**

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**SooperKanoon Citation :** [sooperkanoon.com/1206404](http://sooperkanoon.com/1206404)

**Court :** Delhi

**Decided On :** May-30-2017

**Appellant :** Dalip Kumar Harjai & Anr

**Respondent :** State

**Judgement :**

\$~ \* + % IN THE HIGH COURT OF DELHI AT NEW DELHI TEST.CAS. 33/2015 & I.A.No.7219/2016 DALIP KUMAR HARJAI & ANR .....

... Petitioner

s STATE Through Mr.Tanuj Khurana, Advocate. versus Through ..... Respondent

Date of Decision :

30. h May, 2017 CORAM: HON'BLE MR. JUSTICE MANMOHAN

JUDGMENT

MANMOHAN, J (Oral):

1. Present petition has been filed under Section 276 of the Indian Succession Act for grant of Will dated 05th July, 2013 of deceased Smt.Nirmala Harjai.

2. In the petition it has been averred that late Smt.Nirmala Harjai died on 30th January, 2015 and at the time of her death, she was residing at her residence i.e. E-62, Double Storey, Ramesh Nagar, New Delhi-15. It has further been averred in the petition that the deceased left behind the following class-I legal heirs: (i)

Mr.Vilayati Ram Harjai (husband) (ii) Mr.Dalip Kumar Harjai (son) 3. It is further stated in the petition that the deceased Smt.Nirmala Harjai was a sole owner of the following two properties:-

"Page 1 of 3 TEST.CAS.33/2015 (i) E-62, Double Storey, Ramesh Nagar, New Delhi-15 (ii) B-4/4, Village Bassai Darapur, Rajori Garden, New Delhi-27 4. It is stated that on 05th July, 2013, late Smt.Nirmala Harjai in her life time and in sound disposing mind had executed her last Will and testament, which was duly attested by her husband Sh.Vilayati Ram Harjai and Sh.Satish Chander Khanna and the same was registered by way of Registered Will dated 05th July, 2013.

5. The deceased Smt.Nirmala Harjai has bequeathed her immovable property being first floor without roof/terrace rights of property no.E-62, Double Storey, Ramesh Nagar to her son, Sh.Dalip Kumar Harjai and ground floor without roof/terrace rights of property no.B-  
admeasuring 272.

sq. yds. in the area village Bassai Darapur, known as Rajouri Garden to her grandson Sh.Akash Harjai, son of Sh.Dalip Kumar Harjai.

6. Notice in the present petition was issued on 20th April, 2015. Citation has been published in the newspapers Indian Express (English Edition) and Jan Satta (Hindi Edition). No objections were received to the Will after publication of the citation.

7. Sh.Dalip Kumar Harjai, son of the deceased has filed an affidavit by way of evidence and the said affidavit has been marked as Ex.PW1/A. In the said affidavit, it has been stated that late Smt.Nirmala Harjai died on 30th January, 2015. The death certificate of late Smt.Nirmala Harjai has been marked as Ex.PW1/1.

8. Sh.Vilayati Ram Harjai, husband of the deceased as well as one of the attesting witnesses has filed his affidavits by way of evidence being Exs. PW3/A and PW3/B. In the said affidavits and statements on Oath, he has deposed that the deceased Smt.Nirmala Harjai has signed her last Will in his presence and he can identify her signatures. The registered Will has been Page 2 of 3 TEST.CAS.33/2015 marked as Ex.PW1/4.

9. In view of the above, the Court is satisfied that the petitioners have succeeded in proving that the deceased Smt.Nirmala Harjai had executed the Will dated 05th July, 2013 (Ex.PW1/4) and the said Will was her last will and testament.

10. Consequently, the present petition is allowed. The letters of administration with a copy of the last Will dated 05th July, 2013 (Ex.PW1/4) of deceased Smt. Nirmala Harjai annexed thereto is granted in favour of the petitioners, subject to their furnishing the requisite Court fee in terms of the latest valuation reports and submitting an administrative bond with one surety in accordance with law.

MANMOHAN, J MAY30 2017 P Page 3 of 3 TEST.CAS.33/2015

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