

Rama Rani vs.state & Others

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Court : Delhi

Decided On : Oct-26-2018

Appellant : Rama Rani

Respondent : State & Others

Advocate for Pet/Ap. : Mr. Zorawar Singh

Judgement :

\$~ * + % IN THE HIGH COURT OF DELHI AT NEW DELHI TEST.CAS. 74/2015
RAMA RANI Through: Mr. Zorawar Singh, Advocate

... Petitioner

versus STATE & OTHERS Through: Respondent Date of Decision:

26. h October, 2018 CORAM: HON'BLE MR. JUSTICE MANMOHAN

JUDGMENT

MANMOHAN, J: (Oral) 1. Present petition has been filed for grant of Letters of Administration of Will dated 13th November, 2007 under Section 278 read with Section 300 of the Indian Succession Act, 1925 with respect to the estate of deceased Sh. Harish Chander, son of Late Sh. Sat Bhushan.

2. It is stated in the petition that the petitioner is the wife of the testator Late Sh. Harish Chander who expired on 19th August, 2013, in New Delhi. The deceased is stated to have executed a registered Will dated 13th November, 2007, which was

duly attested by Mr. Arun K. Jindal and Mr. Mohit Verma. The Will dated 13th November, 2007 executed by the deceased is reproduced hereinbelow:-

"TEST.CAS.74/2015 Page 1 of 6 3. WILL I, Harish Chander, son of Shri Sat Bhushan, aged 67 years, residence of Malerkota now residing at C-161, Greater Kailash, Part-I, New Delhi - 110 048, do hereby revoke formal, oral or written wills & codicils made by me and by this my last Will bequeath and device all my moveable and immoveable properties whatsoever and wheresoever. I have great love for my wife Mrs. Rama Rani. I bequeath all my individual immoveable & moveable properties in favour of my wife Mrs. Rama Rani. I am also Karta and coparcener of Harish Chander H.U.F. I bequeath my share in H.U.F. in favour of other coparcener of H.U.F., of moveable and immoveable H.U.F. and H.U.F. shall continue to own properties. In the event my wife Mrs. Rama Rani pre deceases me, all my individual moveable and immoveable property shall devolve to my sons Dr. Sumeet Chander & Mr. Ameet Chander equally. After my death no person shall have any right or interest in the properties (moveable and immoveable) except as mentioned above. 13th day of November, 2007. Witness - 1 Arun K. Jindal 873, Sector 15, Faridabad. Witness - 2 Mohit Verma F-10/2, Vasant Vihar, New Delhi In witness whereof I have set my hand on this will to i.e. the sd/- Testator It is stated that deceased has left behind three legal heirs, i.e. his wife, the

... Petitioner

and two sons, respondent nos. 2 and 3.

4. In the petition, the deceased is stated to be the joint/sole owner of the following immovable and movable properties:-

"TEST.CAS.74/2015 Page 2 of 6 Immovable Properties 1. 1/3rd Share in Plot No.240(J), Sainik Farms, New Delhi. New address: W15/22, Sainik Farms, New Delhi.

2. Residential House at Patli Wali Gali, Civil Lines, Opposite House of Satya Pal, Advocate, Moga Punjab. Movable Properties 1. 2760 (Two Thousand Seven Hundred Sixty) Shares of ITC Limited vide Share Certificate No.204920.

2. 772 (Seven Hundred Seventy Two) shares of Nestle India Limited.

3. Honda City Car Bearing Registration No.HR51AS-7869.

4. Notice was issued on the present petition on 06th August, 2015. Vide order dated 04th March, 2016 citation has been published in the newspaper Statesman English Edition and Jan Satta Hindi Edition. Since one of the properties is situated in Moga, Punjab, the citation was also published in Punjab Kesari Gurmukhi Edition and Tribune English Edition. No objections have been received after publication of the citation. Notice was duly served on the State and valuation report has been filed by the State.

5. Respondent Nos. 2 and 3, have filed their No Objection supported by an affidavit. The affidavits of respondent nos.2 and 3 are reproduced hereinbelow:-

"A. No Objection of Respondent No.2 I, the above-named deponent, do hereby solemnly affirm and declare as under:-

"1. That I am the Respondent No.2 and Son of late Shri Harish Chander, who passed away on 19.08.2013 in New Delhi. That late Shri Harish Chander had TEST.CAS.74/2015 Page 3 of 6 executed a Will dated 13.11.2007. I further state that I am competent to depose and to swear the present affidavit.

2. That the

... Petitioner

has filed the petition seeking Letters of Administration in respect of Will dated 13.11.2007, contents of which I have read and understood. That I have no objection to the said Petition being allowed and to grant of Letters of Administration with will annexed in favour of the

... Petitioner

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3. That no part of this affidavit is false and no material facts have been concealed therefrom. B. No Objection of Respondent No.3. I, the above-named deponent, do hereby solemnly affirm and declare as under:-

"1. That I am the Respondent No.3 and Son of late Shri Harish Chander, who passed away on 19.08.2013 in New Delhi. That late Shri Harish Chander had executed a Will dated 13.11.2007. I further state that I am competent to depose and to swear the present affidavit.

2. That the

... Petitioner

has filed the petition seeking Letters of Administration in respect of Will dated 13.11.2007, contents of which I have read and understood. That I have no objection to the said Petition being allowed and to grant of Letters of Administration with will annexed in favour of the

... Petitioner

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3. That no part of this affidavit is false and no material facts have been concealed therefrom. TEST.CAS.74/2015 Page 4 of 6 6. Smt Rama Rani, wife of Late Sh.Harish Chander, petitioner has filed her affidavit by way of evidence which has been exhibited as Ex. PW1/X. It has been stated by the petitioner in her affidavit that the Testator executed the Will out of his own freewill and was in a sound disposing mind at the time of signing the said Will which was duly executed by him in the presence of the witnesses. It is further stated that the Testator expired on 19th August, 2013 at New Delhi leaving behind his last Will and testament dated 13th November, 2007. The petitioner has proved the original Death Certificate of the Testator as Ex.PW1/1.

7. Mr. Arun K. Jindal, first attesting witness has filed his affidavit dated 05th February, 2018 and the same is exhibited as Ex.PW3/X. In the said affidavit, he has deposed as under:-

"I state that late Shri Harish Chander executed his Will dated 13.11.2007 in my presence and in the presence of Shri Mohit Verma, son of Shri Yash Pal Verma, resident of F-10/2, Vasant Vihar, New Delhi - 110057 and that late Shri Harish Chander had signed the said Will dated 13.11.2007 in our presence and I

alongwith Shri Mohit Verma also subscribed our names and signatures as attesting witnesses to the said Will in presence of each other at the same time and in presence of late Shri Harish Chander. 8. In view of the above, the Court is satisfied that the petitioner has succeeded in proving the testator Late Sh. Harish Chander had executed the Will dated 13th November, 2007 and the said Will was his last will and testament.

9. In view of the aforementioned facts and evidence, the present petition is allowed and the Letters of Administration is issued in favour of the petitioner enabling her to administer the estate of deceased Late Sh. Harish Chander, subject to the petitioner filing the requisite Court fee in terms of the valuation reports and submitting an administrative bond with one surety in accordance with law.

10. List before Joint Registrar on 29th November, 2018 for determination of Court fees to be paid. OCTOBER26 2018 as/rn MANMOHAN, J TEST.CAS.74/2015 Page 6 of 6

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