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

% **Date of Decision: 17.03.2026**

+ TEST.CAS. 82/2025 & I.A. 6730/2026

UMESH VARMA

.....Petitioner

Through: Mr. Piyush Singh, Mr. Nitesh Ranjan,  
Ms. Avntika Chaudhary and Mr.  
Neelaksh, Advs.

versus

THE GOVERNMENT OF NCT OF DELHI AND ORS.

.....Respondents

Through: Mr. Abhinav Singh, Mr.  
Shantanu Patel and Mr. Rishab  
Mittal, Advs. for GNCTD  
Mr. Shubham Raj, Adv. for R-2  
to 6

**CORAM:**

**HON'BLE MS. JUSTICE MINI PUSHKARNA**

**MINI PUSHKARNA, J. (ORAL):**

**I.A. 6730/2026**

1. The present application has been filed under Section 151 of the Code of Civil Procedure, 1908 ("CPC") read with Section 229, 230 and 231 of the Indian Succession Act, 1925 ("Succession Act") for taking on record the renunciation of the Executor, and for proceeding with the petition, in accordance with law.

2. This Court notes that as per the Will dated 10<sup>th</sup> July, 2018, Mr. Rupal Kumar Jain had been appointed as Executor of the said Will.

3. Learned counsel appearing for the petitioner submits that the Executor, i.e., Mr. Rupal Kumar Jain has executed a written Deed of Renunciation dated 26<sup>th</sup> February, 2026, thereby, renouncing his



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executorship under the Will in question, in accordance with Section 230 of the Succession Act, and the same has been placed on record before this Court as *Document 1*, along with the present application.

4. The said Deed of Renunciation dated 26<sup>th</sup> February, 2026, as executed by the Executor, namely, Mr. Rupal Kumar Jain, is reproduced as under:

**DEED OF RENUNCIATION**

(Under Section 230 of the Indian Succession Act, 1925)

**THIS DEED OF RENUNCIATION** is made on this 26<sup>th</sup> day of February, 2026 at New Delhi.

BY

I, **RUPAL KUMAR JAIN**, S/o Lal Chandra Jain, 169, Ground Floor, Geeta Apartment, Geeta Colony, East Delhi, Delhi- 110031, aged about 51 years, do hereby solemnly affirm and declare as under:

1. That Late Shri Krishna Prasad Singh Varma (hereinafter referred to as "the Testator") executed his last Will and Testament dated 10.07.2018.
2. That the Testator expired on 22.07.2019.
3. That under the said Will dated 10.07.2018, I was appointed as the Executor of the said Will.
4. That I have not applied for probate of the said Will before any Court of law.
5. That I do not wish to act as Executor of the said Will dated 10.07.2018.
6. That I hereby absolutely, voluntarily and unequivocally renounce my executorship of the said Will and renounce all rights to apply for probate thereof.





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7. That I understand that in terms of Section 230 of the Indian Succession Act, 1925, upon such renunciation, I shall be precluded from thereafter applying for probate of the said Will as Executor.
8. That this Deed of Renunciation is being executed for placing on record before the Hon'ble High Court of Delhi in TEST.CASE. 82/2025.

IN WITNESS WHEREOF, I have signed this Deed of Renunciation on the date and place first mentioned above.

  
(RUPAL KUMAR JAIN)  
Renouncing Executor

5. Further, the Aadhar Card of the Executor, namely, Mr. Rupal Kumar Jain has also been attached, which is reproduced as under:





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*Jain*

6. Accordingly, the said Deed of Renunciation dated 26<sup>th</sup> February, 2026 is taken on record.

7. Noting the aforesaid, the present application is disposed of.

**TEST.CAS. 82/2025**

8. In view of the Deed of Renunciation dated 26<sup>th</sup> February, 2026 having been taken on record by today's order, this Court notes that there is no impediment in dealing with the present petition on merits.

9. The present petition has been filed under Section 278 of the Succession Act for grant of Probate and Letters of Administration, in respect of the registered Will dated 10<sup>th</sup> July, 2018, executed by Late Shri Krishna Prasad Singh Varma.

10. Learned counsel for the petitioner submits that Late Shri Krishna



Prasad Singh Varma, who was the father of the petitioner, executed his last and final Will dated 10<sup>th</sup> July, 2018, in order to bequeath his movable and immovable properties according to his wishes, as stated therein.

11. He further submits that Late Shri Krishna Prasad Singh Varma passed away on 22<sup>nd</sup> July, 2019. The death certificate of Late Shri Krishna Prasad Singh Varma has been attached as *Document-1*, filed along with the present petition.

12. Learned counsel for the petitioner further submits that Late Shri Krishna Prasad Singh Varma was survived by his legal heirs, including, his son, i.e., Dr. Umesh Varma/the petitioner herein, his five daughters, namely Mrs. Charu Varma/respondent no. 2, Dr. Anshu Varma/respondent no. 3, Dr. Madhu Varma/respondent no. 4, Dr. Shalini Gupta/respondent no. 5 and Dr. Kanchan Varma/respondent no. 6. He further submits that Late Shri Krishna Prasad Singh Varma was also survived by his grandsons, namely, Mr Aditya Varma and Mr Aryamann Varma, who are the sons of the petitioner herein.

13. He submits that by virtue of the registered Will dated 10<sup>th</sup> July, 2018 executed by Late Shri Krishna Prasad Singh Varma, he bequeathed all his movable and immovable properties, which were purchased from his own funds and sources and were self-acquired properties, in favour of his legal heirs.

14. Thus, learned counsel for the petitioner submits that the petitioner has become the rightful successor to claim the movable and immovable properties, as bequeathed to him under the Will in question.

15. Late Shri Krishna Prasad Singh Varma left behind his last and final Will dated 10<sup>th</sup> July, 2018, bequeathing the various movable and immovable properties owned by him, in the following manner:



“xxx xxx xxx

And whereas I, the above testator, do hereby bequeath that after my death my under mentioned moveable and immovable properties :-

- (a) Built up freehold property bearing No.32, land area measuring 360 square yards i.e. 301 square meters, situated in the layout plan of Bhatnagar House Building Co-Operative Society known as ChitraVihar, Vikas Marg, Delhi-110092.
- (b) Savings Account No. 605310100001489 in the Bank of India at Vikas Marg, Delhi-110092.
- (c) The proceeds of my all deposits, loans and advances, share listed and unlisted (except my investment in Kastura Medicos Limited).
- (d) The contents of Bank Locker with Bank of India at Vikas Marg, Delhi-110092.
- (e) HUF account in the name of KPS Varma (HUF) having PAN No.AAJHK0365H. The proceeds of bank account (with ICICI Bank at PreetVihar, Delhi-110092) and other assets belonging to the KPS Varma (HUF).

shall go and devolve solely upon my son Dr. Umesh Varma who shall become the sole and absolute owner of the aforesaid properties. In the unfortunate event that my son predeceases me, the above mentioned properties shall devolve upon my grandson (1) Mr. Aditya Varma (Minor Age About 14 Years) And (2) Mr. Aryamann Varma (Minor Age About 10 Years) both sons of Dr. Umesh Varma, who shall become the joint and absolute owners of the said properties and be free to deal with it in any manner they wish to. However, the said absolute ownership with the right to dispose of the properties shall devolve upon them only after the younger of my two grandsons, namely Mr. Aryamann Varma attains the age of 21 years, till which time they shall enjoy a life interest in the aforesaid property. Till the time that Aryamann Varma attains the age of 21 years, my daughter-in-law, Dr. Anjali Chaudhary shall enjoy a life interest in the property. None of my other legal heirs shall have a right to disturb the above mentioned arrangement pertaining to the enjoyment of my above estate by my son, the subsequent devolution thereof in favor of my grandsons and the life interest in favor of my daughter in law.

Cont.4

KPS Varma



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::: WILL DEED PAGE 4 :::

CERTIFIED COPY

And whereas I, the above testator, do hereby further bequeath that after my death my Built up property/Hospital land area measuring 1500 square meters, purchased from DDA in an open auction known as Kastura Medicos Ltd. Company situated at NH-1, Sector-6, Vaishali, Ghaziabad, U.P., having (146200 numbers of equity shares + 19500 jointly equity shares with Dr. Gargi Varma) shall go and devolve upon my daughters and son as per following numbers of equity share :-

NAME	RELATION	SHARE OF DR. K.P.S. VARMA	DR. GARGI VARMA JOINTLY SHARE WITH DR. K.P.S. VARMA
Dr. Charu Varma	Daughter	16,420 share	
Dr. Anshu Varma	Daughter	16,420 share	
Dr. Madhu Varma	Daughter	16,420 share	
Dr. Shalini Gupta	Daughter	16,320 share	
Dr. Kanchan Varma	Daughter	16,320 share	
Dr. Umesh Varma	Son	64,300 share	19,500 Share Who expired on 25/02/2015 and after her death as on 19,500 share have already gone in my name.

Besides this 19,500 jointly equity share shall also go and devolve upon Dr. Umesh Varma.

My entire saving amount in Savings Account No.605310100002111 in the Bank of India at Vikas Marg, Delhi-110092, shall go and devolve upon to my daughter Dr. Madhu Varma.

xxx xxx xxx”

16. Perusal of the original Will dated 10<sup>th</sup> July, 2018 shows that Late Shri Krishna Prasad Singh Varma bequeathed the following properties in favour of the petitioner:

- i. Built up freehold property bearing no. 32, land area measuring 360 square yards, i.e., 301 square meters, situated in the layout plan of Bhatnagar House Building Co-operative Society known as Chitra Vihar, Vikas Marg, Delhi – 110092.
- ii. Savings Account no. 605310100001489 in the Bank of India at Vikas



Mark, Delhi-110092.

- iii. The proceeds of all deposits, loans and advances, share listed and unlisted (except investments in Kastura Medicos Limited).
  - iv. The contents of Bank Locker with Bank of India at Vikas Marg, Delhi-110092.
  - v. HUF account in the name of KPS Varma (HUF) having PAN no. AAJHK0365H. The proceeds of bank account (with ICICI Bank at Preet Vihar, Delhi-110092) and other assets belonging to the KPS Varma (HUF).
17. Further, as per the Will in question, the 146200 equity shares + 19500 jointly held equity shares, were bequeathed in the following manner:
- i. Dr. Charu Varma/respondent no. 2 to receive 16,420 shares
  - ii. Dr. Anshu Varma/respondent no. 3 to receive 16,420 shares
  - iii. Dr. Madhu Varma/respondent no. 4 to receive 16,420 shares
  - iv. Dr. Shalini Varma/respondent no. 5 to receive 16,320 shares
  - v. Dr. Kanchan Varma/respondent no. 6 to receive 16,320 shares
  - vi. Dr. Umesh Varma/petitioner to receive 64,300 shares, along with the 19500 jointly held equity shares.
18. Further, as per the Will, the amount in the savings Account no. 605310100002111 in the Bank of India, at Vikas Marg, Delhi - 110092 has devolved upon Dr. Madhu Varma/respondent no. 3.
19. The Will in question, has been attested by two witnesses, namely, Mr. Shekher and Mr. Jubin Joseph.
20. This Court takes note of the affidavit filed by one of the attesting witnesses of the Will in question, i.e., Mr. Shekher, who has stated that Late Shri Krishna Prasad Singh Varma had signed the Will in question in his presence, and also affirmed his own signatures on the Will in question, in



the following manner:

**AFFIDAVIT OF SHEKHAR ATTESTING WITNESS OF THE WILL**  
**DATED 10.07.2018 EXECUTED BY LATE SH. KRISHNA PRASAD**  
**SINGH VARMA**

I Shekhar S/o Sh. Raj Bir Singh, aged 33 years, r/o 32 Chitra Vihar, Vikash Marg Delhi-92. Solemnly affirm and declare as under: -

1. That I am the above-named deponent, I do hereby certify that I am the attesting witness in the will dated 10.07.2018.
2. I say that the Late Sh. Krishna Prasad Singh<sup>Varma</sup> was known to me
3. I say that the will dated 10.07.2018 was prepared by Sh. Krishna Prasad Singh<sup>Varma</sup>. I further say that Sh. Krishna Prasad Singh<sup>Varma</sup> has signed the will dated 10.07.2018 in my presence without any undue influence and as per sweet wish.
4. I say that I have also signed the will and I was one of the attesting witnesses of the will dated 10.07.2018. I further say that I am ready to testify the same before the Hon'ble Court in person as may be required by this Hon'ble Court.



5. That the content of the accompanying affidavit is true and correct based on my personal knowledge, and no part of it is false and no material information has been concealed thereof

**VERIFICATION**

Shekhar Attesting Witness Of The Will Dated 10.07.2018 Executed By Late Sh. Krishna Prasad Singh <sup>Varma</sup> was signed by him in our presence and the witness also signed the will in the presence of each other and the testator

Verified at Delhi on \_\_\_\_\_

Shekhar.



**ATTESTED**  
NOTARY PUBLIC  
Govt. of N.C.T., DELHI

21. Mr. Jubin Joseph, i.e., the other attesting witness to the Will dated 10<sup>th</sup> July, 2018, has also stated in his Affidavit that Late Shri Krishna Prasad Singh Varma had signed the Will in question in his presence, and identified his signatures on the Will in question, in the following manner:



**AFFIDAVIT OF JUBIN JOSEPH ATTESTING WITNESS OF THE WILL DATED 10.07.2018 EXECUTED BY LATE SH. KRISHNA PRASAD SINGH VPRMB.**

I Jubin Joseph s/o M. J. Joseph aged 43 years r/o H. no 32, Chitra Vihar Vikas Marg, Delhi- 92. Solemnly affirm and declare as under: -

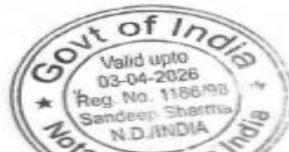
1. That I am the above-named deponent, I do hereby certify that I am the attesting witness in the will dates 10.07.2018.
2. I say that the Late Sh. Krishna Prasad Singh<sup>was</sup> was known to me
3. I say that they will be dated 10.07.2018 was prepared by Sh. Krishna Prasad Singh. I further say that Sh. Krishna Prasad Singh<sup>has</sup> has signed the will dated 10.07.2018 in my presence without any undue influence and as per sweet wish.
4. I say that I have also signed the will and I was one of the attesting witnesses of the will dated 10.07.2018. I further say that I am ready to testify the same before the Hon'ble Court in person as may be<sup>required by this Hon'ble Court.</sup>
5. That the content of the accompanying affidavit is true and correct based on my personal knowledge, and no part of it is false and no material information has been concealed thereof

**VERIFICATION**

Jubin Joseph Attesting Witness Of The Will Dated 10.07.2018 Executed By Late Sh. Krishna Prasad Singh<sup>was</sup> was signed by him in our presence and the witness also signed the will in the presence of each other and the testator

Verified at Delhi on \_\_\_\_\_

  
Jubin Joseph



22. Thus, the execution of the Will dated 10<sup>th</sup> July, 2018, has been duly



proved in accordance with law, by the attesting witnesses, i.e., Mr. Shekher and Mr. Jubin Joseph.

23. This Court takes notes of the documents, with respect to the declarations having been filed on behalf of the five sisters of the petitioner, i.e., respondent nos. 1 to 5, in favour of their brother/petitioner, wherein, they have categorically stated that they have no objection to the present Will and have admitted and recognized the Will dated 10<sup>th</sup> July, 2018, to have been executed by their father, i.e., Late Shri Krishna Prasad Singh Varma.

24. The declaration of Dr. Madhu Verma, one of the sisters, is reproduced as under:

**::::: PAGE NO.2. :::::**  
**::::: DECLARATION :::::**

I/We, **MRS. MADHU VARMA WIFE (PAN No. AUZPV1830C) WIFE OF ANURAG SAHAI RESIDENT OF 16343 MALAHAT ROAD APPLE VALLEY, CA-92307 USA** to hereby solemnly affirm and declare as under:

1. That I my father **Shri Krishna Prasad Singh Varma** son of **Shri Shanti Prasad** was the absolute owner and in possession **Built up freehold property bearing No.32, land area measuring 360 square yards i.e. 301 square meters, situated in the layout plan of Bhatnagar House Building Co-Operative Society known as ChitraVihar, Vikas Marg, Delhi-110092.**
2. That my father had acquired the ownership of the above property through **freehold Conveyance deed duly registered as document No.4147, book No.1, volume No.2882, on pages 151 to 152, registered with the office of S.R.IV, Delhi on 17/07/2018.**
3. That my father had acquired the above property from his own funds and resources and hence my father had absolute authority to devolve the above property to anyone else without any objection/hindrance from any corner.



4. That my father had executed a Deed of Will in respect of above property devolving the above property in favour of my brother namely Umesh Varma through Registered Will Deed duly registered as document No.363, book No.1, volume No.53, on pages 49 to 53, registered with the office of S.R.VIII-A, Delhi on 17/07/2018.
5. That my father expired at Kallash Hospital, Noida, on 22/07/2019 and after the death of my father, my above brother became the absolute owner of the said property on the basis of above registered Will deed dt. 17/07/2018.
6. That I have no objection if my above brother shall sale and/or mortgage and/or gift the above property to anyone else as my above brother have got absolute authority to hold, possess, sale, gift mortgage etc. the said property through above Deed of Will.
7. That in future I and/or any of my legal heir(s) and/or successors shall not raise any objection to such transfer.

25. The declaration of Dr. Kanchan Varma, sister of the petitioner, is reproduced as under:

**भारतीय गैर न्यायिक**  
**एक सौ रुपये** **Rs. 100**  
**रु. 100** **ONE**  
**भारत INDIA**  
**INDIA NON JUDIC**

FF 108724

**DECLARATION /AFFIDAVIT**

**KANCHAN VARMA D/O LATE SHRI DR. KPS VARMA** Aged-48 years, an Indian inhabitant Presently Residing at HOUSE NO-79, SECTOR-29, NOIDA DISTT GAUTAM BUDH NAGAR U.P. do hereby solemnly affirm and declare as under :-

- 1 That Shri Krishan Prasad Varma the deceased was holding immovable property situated at 32 Chitra Vihar Delhi-110092
- 2 That Shri Krishan Prasad Singh Varma the deceased expired on 22<sup>nd</sup> July 2019.
- 3 That I am a legal heir of the said deceased. I am the daughter of the deceased.
- 4 I do not desire to make any claim of title of the said property held by the deceased. I hereby agree to renounce all my rights existing as well as they may accrue to me in future in respect.
- 5 I declare that I have no objection whatsoever in transmitting the said securities in the name of the applicant Dr. Umesh Varma

I am executing this declaration to be submitted to the concerned authorities  
I hereby state that whatever is stated herein above are true to the best of my knowledge

Solemnly affirmed at Noida  
On this 27 day of Nov.2019

(Signature) \_\_\_\_\_ (Name) \_\_\_\_\_

Identified by the Advocate \_\_\_\_\_ before \_\_\_\_\_ S.E.C. \_\_\_\_\_ / Notary \_\_\_\_\_

**ATTESTED**  
Narendra Narayan Agnihotri  
Advocate (Notary)  
R. No.: 2320  
NOIDA G.B. NAGAR

27 NOV 2019 Kanchan Varma

26. Likewise, the other remaining three sisters, namely, Dr. Charu Varma,



Dr. Anshu Varma, and Dr. Shalini Varma, have also executed similar declarations, which are on record before this Court.

27. Learned counsel appearing for respondent nos. 2 to 6 also submits that they have 'no objection' to the grant of Letters of Administration in the present matter.

28. The aforesaid statement is taken note of.

29. Thus, in view of the legal heirs of Late Shri Krishna Prasad Singh Varma, i.e., respondent nos. 2 to 6, having given their 'no objections', the present is an uncontested case for grant of Letters of Administration.

30. Accordingly, Letters of Administration with respect to the Will dated 10<sup>th</sup> July, 2018 of Late Shri Krishna Prasad Singh Varma is granted in favour of the petitioner.

31. The present petition is hereby allowed in favour of the petitioner, subject to the petitioner filing the requisite Court Fees in terms of the valuation report to be submitted by respondent no. 1.

32. It is a settled legal position that if the beneficiary is the natural legal heir of the testator, exemption can be granted from furnishing administrative-cum-surety bond. In the facts and circumstances of the case, since the present petition is uncontested, there will be no requirement to file any surety bonds.

33. Subject to the petitioners filing the requisite Court Fees, let the Letters of Administration be issued upon the petitioners in respect of the Will dated 10<sup>th</sup> July, 2018.

34. The petition is accordingly disposed of.

**MINI PUSHKARNA, J**

**MARCH 17, 2026/KR**