



2025:DHC:9509



\$~54

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

+ **TEST.CAS. 9/2014 and I.A. 2405/2019**

Date of Decision: **16.10.2025**

IN THE MATTER OF:

1. MASTER DHRUV KUKREJA

S/O SHRI KULBHUSHAN KUKREJA

AND GRANDSON OF LATE SHRI AMAR DITTA

2. BABY BHUMI KUKREJA

D/O SHRI KULBHUSHAN KUKREJA

AND GRANDDAUGHTER OF LATE SHRI AMAR DITTA

BOTH R/O:

FLAT NO.401, PRATEEK APARTMENTS,
ROYAL CLIFF, CROSSING REPUBLIC,
GHAZIABAD-201012

ALSO AT 505, SKY RADHEY GARDEN, NOIDA EXTN

AND BOTH BEING REPRESENTED BY FATHER AND THEIR
NATURAL GUARDIAN SHRI KULBHUSHAN KUKREJA S/O LATE
SHRI AMAR DITTA

.....PETITIONERS

(Through: *Mr.Pradeep Sain, Advocate.*)

Versus

1. STATE

2. MRS. SANTOSH DANG (SINCE DECEASED)

W/O SHRI BALDEV DANG

AND D/O LATE SHRI AMAR DITTA

THROUGH HER LRS

A) SH. BALDEV DANG (HUSBAND)

B) TEJESH DANG S/O SH BALDEV DANG (SON)



2025:DHC:9509



**C) KUMARI NAMRATA DANG D/0 SH BALDEV DANG
(DAUGHTER)**

ALL R/0: E-72, GROUND FLOOR. LAJPAT NAGAR-II
NEW DELHI-110024

3. MRS. LALITA DANG

W/0 SHRI LALIT DANG
AND D/0 LATE SHRI AMAR DITTA
R/0: E-72, 2nd FLOOR. LAJPAT NAGAR-II
NEW DELHI-110024

4. MRS. MAMTA POPLI

W/0 SHRI INDERJIT POPLI
AND D/0 LATE SHRI AMAR DITTA

R/0: F70. GROUND FLOOR. LAJPAT NAGAR-II
NEW DELHI-110024

5. MRS. KANCHAN GERA

W/0 SHRI SANJEEV GERA
AND D/0 LATE SHRI AMAR DITTA
R/0 & C/0 BALDEV GENERAL STORE
307, PRAKASH MOHALLA GARHI.
NEAR EAST OF KAILASH.
NEW DELHI

.....RESPONDENTS

*(Through: Mr. Mohit Kukreja, Mr. Inderbir Singh, Advocates for R-4, 5
and LR's of R-2.)*

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

J U D G E M E N T

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

The instant petition is for grant of probate/letter of administration with respect to Will dated 30.07.2013(*the Will*), purportedly executed by late Sh.



2025:DHC:9509



Amar Ditta Kukreja (*the testator*).

2. The facts of the case would indicate that the petitioners are the grandchildren of the testator, whereas, the respondents are his daughters. The testator had expired on 19.11.2013 and was the sole and absolute owner of two immovable properties bearing No.F-46, Lajpat Nagar-II, New Delhi-110024 and I-54, Ground Floor, Lajpat Nagar-II, New Deihi-110024, both admeasuring 100 sq. yds. The testator had executed the Will in respect of part portions being ground and first floor of property no. F-46, Lajpat Nagar-II, New Delhi-110024 and ground floor of property no. I-54, Ground Floor, Lajpat Nagar-II, New Deihi-110024 in favour of the petitioners. The said Will was registered on 30.07.2013 in the Office of the Sub-Registrar-V, New Delhi *vide* Registration No.812 in Para no.3, Vol. No.2024.

3. The order dated 30.01.2025 records the no objection filed by two LR's of the deceased- respondent no.2 namely, Sh. Baldev Dang and Sh.Tejas Dang. It has also come on record that the third LR, namely Kum. Namrata Dang had expired two years ago and has left behind no legal heirs except her father Mr. Baldev Dang, who is already arrayed as a party to the instant case.

4. The order dated 30.01.2025 of the Joint Registrar is extracted as under:-

"1. Affidavit cum no objection of respondent no.3, 4 & 5 are already on record. There are three legal representatives of deceased respondent no.2. As per office note, affidavits cum no objection filed by two LR's of deceased respondent no.2 namely Mr. Baldev Dang and Mr. Tejesh Dang.



2. *Learned counsel for petitioner and learned counsel for LR of respondent no.2 submit that third LR Ms.Namrata Dang expired two years ago and she has not left behind any legal heir except her father Mr. Baldev Dang, who is already a party to the present petition.*

3. *By way of present petition, the petitioner is seeking probate/letters of administration in respect to the last "Will" dated 30.07.2013 of late Sh Amar Ditta Kukreja in respect of ground and first floor of property no. F-46, Lajpal Nagar-II, New Delhi and ground floor of property no. 1-54, Lajpat Nagar, New Delhi. No Objection/affidavits of respondents and valuation report of the aforesaid properties are already on record.*

4. *Learned counsels for the parties submit that the matter be placed before the Hon'ble Court for final disposal of the present probate petition. At their request, the file may be placed before the Hon'ble Court on 27.02.2025, for further directions."*

5. One of the attesting witnesses to the Will, Sh. Chiranjeet Sharma, has sworn an affidavit dated 28.01.2024, that the testator had affixed his signature on the Will after going through the contents thereof and that the attesting witnesses also signed the Will in the presence of the testator.

6. All the aforesaid facts remain undisputed by the respondents. Therefore, under the aforesaid circumstances, since, there is no objection on behalf of any of the parties for grant of probate, the Court deems it appropriate to direct for issuance of probate in favour of the petitioners, subject to compliance with statutory requirements, by the concerned Registrar.

7. At this stage it is pertinent to note herein that this Court in the case of ***Sh. Raj Rani Bhasin vs. State***¹, has held that the person to whom a letter of administration is granted does not thereby, become entitled to the property or estate of the deceased/testator and the estate still succeeds according to

¹ 158(200) DLT 713



the law of succession applicable to the deceased/testator. The primary objective of a letter of administration, issued by the Court, is to authorize the appointed administrator to gather and consolidate the assets of the deceased or testator. It also allows the administrator to interact with relevant authorities where such assets are held or recorded, enabling the realization of those assets and facilitating their transfer to the rightful successors in accordance with the applicable laws of succession. It was further held that the administrator is required to, from time-to-time, to file accounts in the Court with respect to the administration of the estate and/ or as to how the estate has been settled/ transferred to the successors in accordance with the law of succession applicable to the deceased and upon the administrator defaulting in the same, the Court retains the power to revoke the grant. The legal position remains the same, even in respect of probate of a will. Therefore, the grant of probate in the present case is in terms of the observations in said decision, which are extracted below, for reference:

“9. The person to whom letters of administration are granted does not thereby become entitled to the property or estate of the deceased. The estate still succeeds according to the law of succession application to the deceased. The purpose of Letters of Administration is merely to enable the administrator so appointed by the Court to collect/ assimilate the properties of the deceased, and/ or to deal with the various authorities with whom the properties of the deceased may be vested or recorded and to realize the same and / or to have the same transferred in the names of the successors in accordance with law of succession applicable to the deceased. The administrator is required to, from time-to-time, file accounts in the Court with respect to the administration of the estate and/ or as to how the estate has been settled/ transferred to the successors in accordance with law of succession application to the deceased and upon the administrator defaulting in the same, the Court retains the power to revoke the grant.

8. Let probate be issued in favour of the petitioners *qua* the petitioners’



2025:DHC:9509



share over the properties forming part of the Will subject to furnishing the bond as well as the payment of the applicable Court fee.

9. In view of the aforesaid, the instant petition stands disposed of along with pending application.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

OCTOBER 16, 2025
Nc/amg