



\$~O-1

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

+ TEST.CAS. 24/2002

Date of Decision: 20.11.2025

IN THE MATTER OF:

VIJAY VERMA

.....Petitioner

Through: Mr. A. K. Tripathi and Ms. Vinita Singh along with petitioner in person.

versus

STATE & ORS.

.....Respondents

Through: None

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

J U D G E M E N T

PURUSHAINDR KUMAR KAURAV, J. (ORAL)

The petitioner seeks a Letter of Administration (*hereinafter referred to as 'LoA'*) under Section 278 of the Indian Succession Act, 1925, in respect of the Will dated 30.06.1982 executed by Late Sh. Chet Ram (*hereinafter referred to as 'the testator'*), who bequeathed all his movable and immovable properties exclusively to the petitioner.

2. The testator left for his heavenly abode on 26.04.2001 in the United States of America. His wife had predeceased him in 1981. The testator had



several sons and daughters. All of them had allegedly been long separated from him and were settled independently. The petitioner, the testator's grandson, was brought up by him with love and affection. It is the case of the petitioner that he was treated as an adopted son of the testator. The petitioner states that the testator lived with him and was cared for exclusively by the petitioner whenever he visited India.

3. It is also stated that during his lifetime, the testator executed his last and final Will dated 30.06.1982, duly signed and attested by two witnesses, Sh. Mela Ram Sharma and Sh. Permanand Sharma (both now deceased). Under this Will, the testator purportedly bequeathed all his movable and immovable properties and business exclusively to the petitioner, out of his free will, in sound health and mind, and without any coercion.

4. It is the case of the petitioner that the deceased had formally disinherited several sons through public notices due to their neglect and misconduct. The aforesaid conduct of the sons had been sought to be supported by placing on record multiple police complaints which were lodged by the deceased against them. The petitioner, therefore, asserts that he was assisting the deceased, and he came into possession of the entire estate after the testator's death.

5. The petition has been supported by respondent nos. 6, 8, 9 and 10, whereas respondent nos. 2, 3, 4, 5 and 7 have opposed the same.

6. During the course of the hearing, Mr. Tripathi, learned counsel for the petitioner, confines the petition only *qua* the property bearing no. IX/1048, Patel Street No.2, Gandhi Nagar, Delhi.

7. The petitioner has also examined the following witnesses:

“PW-1 – Shri Vijay Verma S/o Shri Sohan Lal Verma, R/o IX/1048,



Patel Gali No. 2, Gandhi Nagar, New Delhi.

PW-2 - Smt. Nirmala Devi W/o Shri Mela Ram Sharma, R/o 3026, Qaziwada, Daryaganj, New Delhi.

PW-3 - Shri Vimal Kumar S/o Shri Permanand Sharma, R/o 181/1-C, Street No.10, Bhola Nath Nagar, Shahdara, Delhi.

PW-4 - Shri Bhola Nath S/o Shri Shori Lal, R/o 9/1050, Patel Gali No.I, Gandhi Nagar, Delhi.

PW-5- Smt. Raj Rani Duggal W/o Shri Sat Pal, R/o 9/1072, Patel Gali No.I, Gandhi Nagar, Delhi.

PW-6 - Shri Dharambir Sharma S/o Shri Pran Nath Sharma, R/o 25, Vidyut Nikunj, Plot No.112, I.P. Extn., Delhi-110092.

PW-7 - Mrs. Suparana Verma W/o Shri Vijay Verma R/o IX/1048, Patel Gali No.2, Gandhi Nagar, Delhi.”

8. The petitioner and the aforementioned witnesses have exhibited various documents.

9. The respondents, however, only examined two witnesses i.e. Raj Kishore, RW-1 and Mr. Devanand Verma, RW-2.

10. However, none has appeared on behalf of the respondents in the last three days of the hearing before the Court and the Joint Registrar. Thus, the Court proceeds to adjudicate the instant petition on its own merits.

11. *Vide* order dated 21.02.2005, the Court had framed the following issues: -

1. *Whether the will dated 30.6.1982 is a genuine and validly executed last will of Shri Chet Rain, R/o Shri Kaln Ram? OPP*
2. *Relief*

2. At the inception, it is pertinent to note that the Supreme Court in the case of ***Meena Pradhan v. Kamla Pradhan***¹, has summarised the following principles required for proving the validity and execution of the Will: -



“10.1. The court has to consider two aspects : firstly, that the will is executed by the testator, and secondly, that it was the last will executed by him;

10.2. It is not required to be proved with mathematical accuracy, but the test of satisfaction of the prudent mind has to be applied.

10.4. For the purpose of proving the execution of the will, at least one of the attesting witnesses, who is alive, subject to the process of court, and capable of giving evidence, shall be examined;

10.5. The attesting witness should speak not only about the testator's signatures but also that each of the witnesses had signed the will in the presence of the testator;

10.6. If one attesting witness can prove the execution of the will, the examination of other attesting witnesses can be dispensed with;

10.7. Where one attesting witness examined to prove the will fails to prove its due execution, then the other available attesting witness has to be called to supplement his evidence;

10.8. Whenever there exists any suspicion as to the execution of the will, it is the responsibility of the propounder to remove all legitimate suspicions before it can be accepted as the testator's last will. In such cases, the initial onus on the propounder becomes heavier.

10.9. The test of judicial conscience has been evolved for dealing with those cases where the execution of the will is surrounded by suspicious circumstances. It requires to consider factors such as awareness of the testator as to the content as well as the consequences, nature and effect of the dispositions in the will; sound, certain and disposing state of mind and memory of the testator at the time of execution; testator executed the will while acting on his own free will;

10.10. One who alleges fraud, fabrication, undue influence et cetera has to prove the same. However, even in the absence of such allegations, if there are circumstances giving rise to doubt, then it becomes the duty of the propounder to dispel such suspicious circumstances by giving a cogent and convincing explanation.

10.11. Suspicious circumstances must be “real, germane and valid” and not merely “the fantasy of the doubting mind [Shivakumar v. Sharanabasappa, (2021) 11 SCC 277] ”. Whether a particular feature would qualify as “suspicious” would depend on the facts and circumstances of each case. Any circumstance raising suspicion legitimate in nature would qualify as a suspicious circumstance, for example, a shaky signature, a feeble mind, an unfair

¹ (2023) 9 SCC 734



and unjust disposition of property, the propounder himself taking a leading part in the making of the will under which he receives a substantial benefit, etc.”

12. As mandated under Section 63 of the Indian Evidence Act, 1872, due execution of a Will requires, *inter alia*, that it be attested by two witnesses in the presence of the testator and in the presence of each other. In the present case, the petitioner asserts that although both attesting witnesses had duly signed the Will in accordance with law, they could not be examined during the proceedings on account of their demise. However, the petitioner has examined the wife of one of the attesting witness, Mrs. Nirmala Devi, as PW-2, and the son of the other attesting witness, Vimal Kumar, as PW-3. Their testimony duly supports the execution of the Will, as both witnesses have identified the signatures of the respective attesting witnesses and affirmed that the Will bears their genuine signatures. Their testimonies remain uncontroverted.

13. Thus, the Will dated 30.06.1982 has been duly proved to be a genuine and validly executed Will.

14. Furthermore, upon a proper appreciation of the petitioner's evidence, it emerges that the testator had consciously chosen to disinherit Mr. Tulsi Ram, Mr. Devanand Verma, Mr. Sohan Lal and Mr. Raj Kishore. The record contains several notices dated 09.02.1964 (Ex P-21), 15.07.1977 (Ex P-22), 21.06.1982 (Ex P-23) and 22.06.1982 (Ex P-24), that reflect strained relations between the testator and the said individuals.

15. Further, contemporaneous complaints lodged by the testator against his sons dated 25.05.1977(Ex P-14), 25.07.1977 (Ex P-15), 02.09.1981(Ex P-16) and 01.09.1981 (Ex P-17), demonstrate that he faced harassment, threats and attempts to deprive him of his properties. These circumstances



substantiate the justification for the exclusion of certain heirs and support the bequest in favour of the grandson, who diligently looking after the testator during his lifetime.

16. Letters dated 05.05.2001, exhibited as Ex. PW-1/PX-1 to 3, addressed by the testator's daughters from the United States of America further corroborates the petitioner's case. The daughters acknowledged being informed by the testator about the execution of the Will. Although they have raised disputes concerning the Will, the communication affirms that the testator had disclosed its existence to them during his lifetime.

17. There is also substantial evidence on record indicating that the marriage of the petitioner was arranged by the deceased testator and that the petitioner was actively involved in managing his business and property affairs.

18. Therefore, considering the overall fact matrix, no suspicious circumstances surrounding the execution of the Will are discernible. The exclusion of some legal heirs does not appear unnatural and stands reasonably explained in light of the material on record.

19. Under the aforesaid circumstances, there is no impediment in granting the LoA with respect to the property in question.

20. At this stage, it is pertinent to note herein that this Court in the case of *Sh. Raj Rani Bhasin vs. State*², has held that the person to whom LoA is granted does not thereby, become entitled to the property or estate of the deceased/testator and the estate still succeeds according to the law of succession applicable to the deceased/testator. The primary objective of a LoA, 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. For the sake of clarity, Paragraph no.9 of the aforesaid decision reads as under:

“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.”

21. In view of the aforesaid, the Court directs that the LoA be issued in favour of the petitioner *qua* the property bearing no. IX/1048, Patel Street No.2, Gandhi Nagar, Delhi, by the concerned Registrar subject to verification and taking necessary steps.

² 158(200) DLT 713



2025:DHC:10966



22. List before the Joint Registrar on 22.12.2025.
23. Ordered accordingly.
24. The instant petition stands disposed of along with other pending applications.

PURUSHAINDR KUMAR KAURAV, J

NOVEMBER 20, 2025

aks/mj.