



2025:DHC:7473



\$~105 & 106

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

% *Date of Decision: 27th, August, 2025*

+ FAO 7/2019 & CM APPL. 988/2019

S. GURBACHAN SINGHAppellant

Through: Mr. Narender Sharma and Mr.
Abhishek Sharma, Advocates

versus

THE STATE & ORSRespondent

Through: Ms. Vaishali Gupta, Panel Counsel
(Civil), GNCTD

+ FAO 80/2019 & CM APPL. 9106/2019

S SATINDER SINGHAppellant

Through: Mr. Narender Sharma and Mr.
Abhishek Sharma, Advocates

versus

THE STATE OF DELHI & ORSRespondent

Through: Ms. Avni Singh, Panel Counsel for
GNCTD

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Since identical issue has been raised in both the appeals, these have been taken up together.
2. Smt. Inderjit Kaur (since deceased) died on 27.03.2015.
3. Prior to her death, she had executed two different *Wills*.
4. As per one *Will* dated 01.02.2015, she bequeathed her movable properties in favour of her brother-in-law Sh. Gurbachan Singh and by virtue



2025:DHC:7473



of another *Will* executed same day, she bequeathed her other movable assets in favour of her nephew S. Satinder Singh.

5. Based on the aforesaid two *Wills*, both the aforesaid beneficiaries filed separate Probate Petitions under Section 272 of Indian Succession Act, 1925.

6. These were taken up by the learned Probate Court on 28.05.2018 and at the admission stage itself, before issuing any notice, these have been dismissed holding that these were not maintainable. It was observed that the testatrix was not legally competent to execute *Will* in respect of assets of her husband late Sh. Inderjit Singh Ahluwalia.

7. The sole grievance of the appellants is to the effect that no opportunity was granted to them to address arguments on the aforesaid aspect of maintainability. It is argued that had opportunity been given, they would have made requisite submissions before the learned Probate Court and would have also explained that the Probate Petitions were very much maintainable.

8. These appeals remained pending before this Court for quite some time and while noticing that there was no appearance from the side of State, a request was sent and pursuant to such request, Ms. Vaishali Gupta, Panel Counsel (Civil), GNCTD in FAO 7/2019 and Ms. Avni Singh, Panel Counsel for GNCTD in FAO 80/2019 have appeared. They also have no objection if the matters are, accordingly, remanded back to learned Probate Court to hear arguments afresh on the point of maintainability.

9. In view of the above, both the appeals are disposed of with direction to learned Probate Court to hear the petitioners and then to consider the aspect of maintainability and thereafter to proceed further with the matters, in accordance with law.



2025:DHC:7473



10. Appellants are directed to appear before the learned Probate Court/Successor Court on 10.09.2025 at 2.00 PM.

(MANOJ JAIN)
JUDGE

AUGUST 27, 2025/dr/js