



2025:DHC:8919-DB



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

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Judgment reserved on: 23.09.2025

Judgment pronounced on: 09.10.2025

+ **FAO (OS) 55/2018 & CM APPL.12817/2018**

RITA GULHATI SINCE DECEASED THR HER LRS

.....Appellant

Through: **Mr. Dhurjati Verma, Ms.
Kanika Malhotra and Mr.
Yash Shukla, Advs.**

versus

ANIL PRAKASH & ORS

.....Respondents

Through: **Ms. Ana Upadhyay, Mr.
Siddhesh Shirish Kotwal, Mr.
T. Illayarasu, Mr. Aditya Singh,
Ms. Manya Hasija, Mr. Saurabh
Guha and Ms. Rasika Jalan,
Advs. for R-1.
Mr. Joydeep Sarma and
Mr.Kaushal Kapoor, Adv. for
R-2.**

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

J U D G M E N T

ANIL KSHETARPAL, J.

1. The issue that arises for consideration in the present Appeal is whether the Will dated 17.07.2000, was duly and validly executed by the late Dr. Satya Prakash, and whether the learned Single Judge was justified in granting probate thereof notwithstanding the objections of the Appellant alleging coercion, fabrication, and suspicious



circumstances.

2. The present Appeal assails the correctness of the judgment dated 06.02.2018 [hereinafter referred to as “Impugned Judgment”] passed by the learned Single Judge in Testamentary Case No. 38/2004, whereby the objections filed by the Appellant were dismissed and probate was granted to the Respondents in respect of the registered Will dated 17.07.2000 (Ex.PW-1/X3) [hereinafter referred to as “Will”] of late Dr. Satya Prakash.

FACTUAL MATRIX

3. The facts, in brief, are that late Dr. Satya Prakash was survived by his sons, Respondent No.1, late Sh. Anil Prakash (since deceased, now represented through his legal representatives), Respondent No.2, Sh. Sunil Prakash and his daughter, Mrs. Rita Gulhati (since deceased, now represented through her legal representatives, the Appellants herein). Late Dr. Satya Prakash executed several testamentary instruments over the years and, lastly and finally after revoking all previous Wills, executed his last Will and Testament dated 17.07.2000, attested by Sh. Anil Bhalla and Sh. Praveen Vashisht, Advocates, bequeathing his properties in favour of his two sons, to the exclusion of his daughter. Upon his demise on 02.02.2001, the Will was handed over by his brother, Sh. Dharam Pal, to the Respondents in May 2004, who instituted Testamentary Case No. 38/2004 seeking probate thereof.

4. The Appellant, who was the objector in the probate proceedings, disputed the validity of the Will dated 17.07.2000 on



several grounds. It was contended that an earlier Will dated December 1996 (Ex.PW-1/D-1) was the last Will, that the Will of 17.07.2000 was neither genuine nor voluntary; that the deceased was methodical in execution of his Wills and had always revoked his earlier Wills with precise references, which was absent in the present Will; that the Will appeared fabricated, interpolated and procured by coercion and undue influence of the sons; that there were discrepancies in the certified copies of the Will obtained from the Sub-Registrar's office at different times, as also in the Peshi register maintained by the Sub-Registrar and differences in thumb-impression/ink which gave rise to a strong suspicion of tampering; that departmental proceedings had also revealed irregularities in the record; and that the exclusion of the daughter, despite earlier dispositions in her favour, itself raised strong suspicion. It was thus urged that the Will dated 17.07.2000 could not be accepted as the last valid testament of the deceased.

5. *Vide* the Impugned Judgment, the learned Single Judge, after detailed consideration of the oral and documentary evidence, held that the Will was duly proved to have been validly and voluntarily executed by late Dr. Satya Prakash, in a sound disposing state of mind. The testimonies of the attesting witnesses were found credible and consistent. The learned Single Judge observed that the minor irregularities in the registration record, such as omission of year, use of different ink, or variations in the Peshi Register, were adequately explained by the Sub-Registrar, and in any event, did not cast doubt on the execution of the Will.

6. The objections regarding alleged coercion, fraud, or fabrication



were held to be unsubstantiated. It was further noted that questions of title or devolution of interest under Section 14 of the Hindu Succession Act, 1956 could not be adjudicated in probate proceedings. Consequently, the objections of the Appellant were rejected and Letters of Administration with a copy of the Will annexed were granted in favour of the Respondents to administer the estate of late Dr. Satya Prakash to the extent of his one-half share in property bearing No. 18-A, Nizamuddin West, New Delhi.

CONTENTIONS OF THE APPELLANT

7. Learned counsel for the Appellant contended that the learned Single Judge erred in law and on facts in granting probate of the Will dated 17.07.2000. It was submitted that the Will was executed under coercion and undue influence exerted by the Respondents, particularly in view of the strained relations between the Appellant and the Respondents after 1996.

8. It was further argued that the Will was fabricated and that the signatures of the deceased were possibly copied, as the Appellant alleged suspicious circumstances surrounding the registration process, including the delay of four years in production of the Will, minor irregularities in the Sub-Registrar's records, and the use of different ink for thumb impressions. It was also contended that the driving licence mentioned in the Will had expired and the photograph affixed was old, thereby raising doubts regarding the identity of the testator and the authenticity of the Will.

9. In summary, the Appellant contended that (i) there were



contradictions in the testimonies of the witnesses, particularly PW-1 (late Sh. Anil Prakash) and PW-4 (Dr. Dharam Pal); (ii) the Will of 17.07.2000 was surrounded by suspicious circumstances, including anomalies in the registration process; and (iii) documentary evidence, including the Sub-Registrar's and Peshi records, created doubt as to the genuineness of the Will. The cumulative effect of these circumstances, it was urged, ought to have led the learned Single Judge to reject the Will.

CONTENTIONS OF THE RESPONDENTS

10. *Per contra*, learned counsel for the Respondents supported the Impugned Judgment and submitted that the Will dated 17.07.2000 was validly and voluntarily executed by late Dr. Satya Prakash, in favour of the Respondents, and that the Appellant has failed to produce any credible evidence to substantiate the allegations of coercion, undue influence, or fraud. It was emphasized that the Appellant did not challenge the signatures or identity of the late Dr. Satya Prakash on the Will, nor did she dispute the attestation by witnesses.

11. The Respondents further submitted that the alleged minor irregularities in the Sub-Registrar's records, the delay in producing the Will for registration, or the expiry of the driving licence mentioned therein, were inconsequential and insufficient to impugn the validity of the Will.

12. Reliance was placed on the earlier Wills executed by the deceased to demonstrate the continuous intention of the testator to benefit the Respondents, and it was argued that the learned Single



Judge had correctly applied the principles of probate law, holding that once a Will is proved to have been duly executed by a testator of sound mind, the burden shifts to the caveator to prove coercion, undue influence, or fabrication, which the Appellant failed to discharge.

ANALYSIS & FINDINGS

13. We have heard learned counsel for the parties and carefully examined the record. The core contention raised by the Appellant is that the Will dated 17.07.2000 was executed under coercion, undue influence, and that it was either fabricated or replaced in the records of the Sub-Registrar.

14. It is well-settled that under the Indian Succession Act, 1925, and as clarified in the decisions of the Hon'ble Supreme Court, once the propounder proves that the Will was signed by the testator of sound mind and executed voluntarily in the presence of attesting witnesses, the onus shifts to the caveator to prove coercion, undue influence, or fraud. The Appellant has failed to discharge this burden.

15. Late Dr. Satya Prakash executed his last Will dated 17.07.2000, attested by Sh. Anil Bhalla and Sh. Praveen Vashist, Advocates. The record shows that the deceased had no ill-will or animosity towards Shri Anil Bhalla, and even the Appellant admits that he was an independent person, trusted by the testator. Their testimonies, recorded during the probate proceedings, were credible, consistent, and established that late Dr. Satya Prakash was of sound disposing mind and executed the Will voluntarily. The Appellant has not disputed the genuineness of the signatures or the identity of the late



2025:DHC:8919-DB



Dr. Satya Prakash as the testator, nor has she questioned the authenticity of the attestation.

16. Respondent No.1, late Sh. Anil Prakash, although was not physically present at the time of execution or registration of the Will, was in possession of the original Will and photocopies of previous Wills executed by the late Dr. Satya Prakash. His testimony demonstrated continuity in the testamentary intentions of late Dr. Satya Prakash, showing that the Respondents were consistently intended beneficiaries of the property in question in all prior Wills.

17. The earlier Wills, executed in 1990, 1992, 1995, and 1996, consistently demonstrate that late Dr. Satya Prakash intended the property to devolve upon late Sh. Anil Prakash and Sh. Sunil Prakash, with minimal provision for late Smt. Rita Gulhati. The 1996 Will, in particular, revoked all prior Wills and allocated substantial portions of the estate to the Respondents, while providing a limited share to the Appellant. There is no credible evidence on record suggesting that the Will of 17.07.2000 was executed to exclude the Appellant unfairly or under coercion.

18. The Appellant relied upon alleged irregularities in the registration of the Will, such as the use of 'blue' ink for thumb impressions, the absence of the year in certain entries, and the alleged substitution of the Will in the Sub-Registrar's records. Evidence on record, including the testimony of PW-5 (Sh. Sunil Srivastava) and RW-2 (Sh. Vimal), both of whom worked as LDCs in the office of Sub-Registrar, establishes that these minor procedural anomalies were



clerical in nature and did not affect the genuineness or voluntary execution of the Will. There is no material evidence to substantiate any claim of tampering, forgery, or substitution.

19. The submissions regarding the driving licence mentioned in the Will are equally inconsequential. There is no evidence to show that the driving licence was invalid or that the testator could not have obtained a new licence prior to execution of the Will. Likewise, the age of the photograph affixed on the Will has no bearing on the validity of the Will, as the identity of the testator and his signatures are not in dispute.

20. The Court further notes that the Appellant did not file any probate proceedings regarding the earlier Will of 1996. The strained relationship between the Appellant and the Respondents, and her vacating of the suit premises in 2000, undermines her allegation of coercion or undue influence. No complaint was lodged against the Respondents during the lifetime of late Dr. Satya Prakash or immediately after execution of the Will.

21. The Appellant's contention regarding alleged fraud, fabrication, or undue influence is wholly unsubstantiated. The minor procedural or clerical irregularities in registration records do not affect the validity of the Will, which has been proved to have been executed voluntarily by the deceased of sound disposing mind.

22. In light of the evidence, and having regard to the settled legal position as laid down by the Hon'ble Supreme Court in ***Meenakshiammal (Dead) through LRs & Ors. v. Chandrasekaran &***



2025:DHC:8919-DB



*Anr.*¹ and *Kanwarjit Singh Dhillon v. Hardy Singh Dhillon & Ors.*², the Court finds that the Will dated 17.07.2000 was executed voluntarily by late Dr. Satya Prakash, and that the objections raised by the Appellant are without merit.

23. In view of the foregoing discussion and analysis of evidence, this Court finds no merit in the present Appeal. The objections raised by the Appellant regarding coercion, fraud, undue influence, or fabrication of the Will dated 17.07.2000 are wholly unsubstantiated. The learned Single Judge rightly concluded that the Will was validly and voluntarily executed by the late Dr. Satya Prakash and was entitled to probate.

24. Accordingly, the present Appeal is dismissed. Pending application also stands dismissed.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.

OCTOBER 09, 2025

s.godara/pal

¹ (2005) 1 SCC 280

² 2007 (11) SCC 357