



2025:DHC:9866



\$~52

\* IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of decision: 3<sup>rd</sup> November, 2025

+ TEST.CAS. 66/2023

HAKAM RAI TAKKAR

.....Petitioner

Through: Mr. Hemant Chaudhri & Mr. Ranjan  
Vyas, Advocates

versus

STATE (GOVT. OF N.C.T. OF DELHI)  
& ORS

.....Respondents

Through: Ms. Pavitra Kaur & Ms. Shreya  
Mishra, Advocates for R-1/GNCTD.  
Mr Vasu Goyal, Advocate for R-2.**CORAM:****HON'BLE MR. JUSTICE AMIT BANSAL****AMIT BANSAL, J. (Oral)**

1. The present petition has been filed under Section 276 of the Indian Succession Act, 1925 (hereinafter '*Act*') seeking grant of probate in respect of the Will dated 23<sup>rd</sup> December 2020 (hereinafter '*Will*') executed by late Ms. Rubinder Kaur, daughter of late Captain Mehar Singh (*r/o 117, Central Avenue, Sainik Farms, Khanpur, New Delhi-110062*), who expired on 18<sup>th</sup> June 2022 (hereinafter '*Testatrix*') in Delhi.
2. The Testatrix bequeathed her movable and immovable properties to Mr. Gautam Malhotra (respondent no.2/ cousin of the Testatrix).
3. The estate of the Testatrix of which the petitioner seeks probate is



2025:DHC:9866



detailed in paragraph 14 of the petition.

4. The Testatrix was a Hindu. She never married during her lifetime and had no children at the time of her death. The Testatrix's mother and father died on 18<sup>th</sup> March 2005 and 29<sup>th</sup> March 2019 respectively, and thus both of them had pre-deceased the Testatrix. The Testatrix had a brother, who also had pre-deceased the Testatrix, having died on 20<sup>th</sup> April 1992.

5. The paternal grandmothers of the Testatrix and the respondent no.2 (beneficiary of the Will) were sisters.

6. The respondents no.3 to 6 are the surviving natural heirs (brothers and sisters) of the father of the Testatrix. It is stated that the respondents no.3 to 6 have settled overseas.

7. The petitioner, who was appointed as the Executor of the Will, used to be a neighbour and close friend of the Testatrix's father. The petitioner was also one of the attesting witnesses in the Will.

8. The Will was registered on 24<sup>th</sup> August 2022 as Document No.2539 in Additional Book No.3, Volume No.816 on Pages 18-198.

9. Notice in the present petition was accepted on behalf of the respondent no.1 on 25<sup>th</sup> August 2023.

10. Counsel for the respondent no.2 entered appearance on 8<sup>th</sup> November 2023.

11. *Vide* order dated 8<sup>th</sup> November 2023, the petitioner was allowed to effect service upon the respondents no.3 to 6 by way of publication. Accordingly, service was effected upon the respondents no.3 to 6 and the same is recorded in the order dated 10<sup>th</sup> April 2024.

12. Pleadings *qua* the respondent no.2 stand completed.



2025:DHC:9866



13. None appeared on behalf of the defendants no.3 to 6 despite service. The right of the respondents no.3 to 6 to file reply was closed *vide* order dated 6<sup>th</sup> December 2024.
14. The petitioner moved an application for addition and deletion of certain properties which are the subject matter of the present petition and the same was allowed *vide* order dated 28<sup>th</sup> May 2025.
15. Valuation reports *qua* all the properties of which probate has been sought have been received.
16. In view of the above, the matter was listed for the petitioner's evidence.
17. Evidence by way of affidavit dated 14<sup>th</sup> August 2023 has been filed on behalf of the petitioner (PW-1). Evidence by way of affidavit dated 14<sup>th</sup> August 2023 has been filed on behalf of the other attesting witness of the Will, Shri Vandan Arora (PW-2).
18. Both the aforesaid witnesses had deposed regarding the due execution and attestation of the Will and that the Testatrix was of sound mind at the time of executing the Will. They had also identified the signatures of the Testatrix and the other attesting witness on the Will.
19. Statements of PW-1 and PW-2 have been recorded by the Joint Registrar on 29<sup>th</sup> October 2025.
20. As such, this is an uncontested case for grant of probate.
21. Accordingly, the petitioner, who is the Executor of the Will is granted probate in respect of the Will of the Testatrix.
22. The petitioner shall furnish Administrative Bond with one Surety to the satisfaction of the Registrar General of this Court.



2025:DHC:9866



23. Subject to the petitioner filing the requisite court fees and complying the aforesaid formalities, let the probate be issued upon the petitioner in respect of the Will of the Testatrix.

24. The petition, along with all pending applications, stands disposed of.

**AMIT BANSAL, J**

**NOVEMBER 3, 2025**

*Vivek/-*