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

% *Date of Decision: 14th October, 2025*

+ TEST.CAS. 18/2023

RAVINDER BANGA

.....Petitioner

Through: Mr. Arpit Sharma, Mr. Aman
Bhardwaj, Mr. Tushar Kaushik and
Ms. Kusum, Advocates.

versus

THE STATE GOVT. OF NCT OF DELHI & ANR.Respondents

Through: Mr. Abhinav Garg, Panel Counsel for
the GNCTD along with Ms. Pallavi
Raj, Advocate.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

AMIT BANSAL, J. (Oral)

1. The present petition has been filed under Section 276/278 of the Indian Succession Act, 1925, seeking grant of Letter of Administration in respect of the Will dated 8th September 2014 of Late Smt. Jamuna Devi, who expired on 23rd March, 2020 (hereinafter 'testatrix').
2. The petitioner and the respondent no.2 are the sons of the testatrix.
3. The husband of the testatrix, Sh. Rishi Lal Banga had predeceased her on 12th August 2014.
4. Notice in the petition was issued by order dated 29th March 2023.
5. Original Will, along with the death certificate of the testatrix, has been filed by the petitioner along with the present petition.



6. A counter-affidavit/reply on behalf of the respondent no.2 has been filed supporting the case of the petitioner and affirming the execution of the Will by the testatrix. In the said counter-affidavit, the respondent no.2 has given his 'No Objection' to the grant of the Letters of Administration in respect of the Will of the testatrix.

7. Citation has been published by the petitioner in the newspapers '*The Statesman*' (English) and '*Nav Bharat Times*' (Hindi) in respect of the present petition. No objections have been received pursuant thereto.

8. The valuation report dated 4th July 2023 for the property, which is the subject matter of the Will, has been placed on record.

9. Evidence by way of affidavits dated 22nd February 2023 of the two attesting witnesses, Mr. Devender Kumar (PW-1) and Mr. Ravinder Banga (PW-2) was filed along with the petition. To be noted, the petitioner is one of the attesting witnesses (PW-2) to the Will of the testatrix.

10. The statement of No Objection by the respondent no.2, for the grant of probate of the Will of the testatrix, has been recorded before the Joint Registrar on 7th February, 2024. The statements of the two attesting witnesses, Mr. Devender Kumar (PW-1) and Mr. Ravinder Banga (PW-2), have also been recorded by the Joint Registrar on 6th May, 2025.

11. In the statement of PW-1, PW-1 has stated that the subject Will was signed and executed by the testatrix in the presence of PW-1, who appended his signature to the Will thereafter. It is further asserted that at the time of execution, the testatrix was in good health and sound mind and executed the said Will out of his own free will, in the presence of PW-1 and the other attesting witness, Mr. Ravinder Banga (PW-2).

12. In the statement of PW-2, PW-2 has also stated that the subject Will



was signed and executed by the testatrix in the presence of PW-2, who appended his signature to the Will thereafter.

13. As such, this is an uncontested case for the grant of letters of administration.

14. It is a settled legal position that if the beneficiary is the natural legal heir of the testatrix, exemption can be granted from furnishing administrative-cum-surety bond. In the present case, the Will is executed by the mother in favour of her natural heir. The court is satisfied that the reply filed by the other legal heir, supporting the petitioner, entitles the petitioner to relief. The furnishing of administrative-cum-surety bond requirement is accordingly dispensed with.

15. Subject to the petitioner filing the requisite Court Fees, let the Letter of Administration be issued upon the petitioner in respect of the Will of the testatrix dated 8th September 2024.

16. The petitioner is granted liberty to apply for the original documents filed in the petition.

17. The petition, along with pending application, stands disposed of.

AMIT BANSAL, J

OCTOBER 14, 2025

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