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

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Date of decision: 14th October, 2025

+ TEST.CAS. 91/2022

SH. ABHISHEK BANSAL & ORS.Petitioners

Through: Mr. Naresh Gupta, Advocate.

versus

STATE & ORS.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

AMIT BANSAL, J. (Oral)

1. The present petition has been filed under Section 278 of the Indian Succession Act, 1925 seeking grant of Letter of Administration in respect of the Will dated 23rd March 2011 (hereinafter '*Will*') of late Shri Govind Prasad Bansal (*resident of D-10/2, Model Town II, Delhi-110009*), who expired on 17th January 2022 (hereinafter '*testator*') at Vinayak Hospital, Model Town, Delhi.

2. The present petition for grant of Letter of Administration has been filed with respect to an agricultural land left behind by the testator admeasuring about 1100 square yards (1 *bigha* 1 *biswa*) forming part of Khasra no. 445 at village Garhi Khusro, Delhi (hereinafter '*subject property*').

3. The Will is the last and final will of the testator, which was duly



executed, attested and registered *vide* registration no. 1903, Book No. III, Volume 210, Pages 4-11, registered with Sub-Registrar-VIA, Delhi. The testator was of sound mind at the time of execution of the Will.

4. The wife of the testator, Smt. Bimla Devi, had predeceased him having expired on 30th April, 2020.

5. Accordingly, the testator, upon his death, left behind the following Class-I legal heirs:

- a. Shri Arvind Bansal – Son (Petitioner no.2)
- b. Smt. Manju Aggarwal – Daughter (Respondent no.2)
- c. Smt. Poonam Gupta – Daughter (Respondent no.3)

6. The petitioner no.1 is the grandson of the testator. The petitioner no.3, who is the beneficiary of the subject property, is a Trust. The petitioners no.1 and 2 are the trustees of the petitioner no.3 Trust.

7. After the execution of the Will, the testator had also executed a Codicil dated 28th April 2014 in respect of some of his movable properties, which are not the subject matter of the present petition.

8. On 31st May 2015, the testator called the petitioner no.1 and had revoked the said Codicil in his presence after the birth of master Avyukt Bansal (great grandson of the testator). Thus, the said Codicil was revoked by the testator during his lifetime only.

9. Though in the Will, the testator had appointed Shri Narendra Kumar Aggarwal and Shri Rajendra Prasad Gupta as the executors of the Will, however, they have refused to execute the Will.

10. Notice in the present petition was issued to, and accepted on behalf of the respondents, on 17th October 2022.



11. A written statement/ no-objection on behalf of the respondents no.2 and 3 has been filed supporting the case of the petitioner and affirming the execution of the Will by the testator.
12. *Vide* order dated 18th July 2023 of the Joint Registrar, it has been noted that the valuation report in respect of the aforesaid property which is the subject matter of the Will is on record.
13. Citations have been published by the petitioners in respect of the present petition in 'The Statesman' and 'Navbharat Times'. No objections have been received pursuant thereto, and the same is recorded in the order dated 4th August 2023.
14. Original Will of the testator has been filed by the petitioner in a sealed cover along with the present petition. The same was de-sealed in the open court in the presence of the parties on 21st November 2023.
15. In view of the above, the matter was listed for the petitioner's evidence. No formal issues were framed in the matter.
16. Evidence by way of affidavit dated 26th September 2023 has been filed on behalf of one of the attesting witnesses Shri Satya Prakash (PW-1). He had deposed regarding the due execution and attestation of the Will and that the testator was of sound mind at the time of executing the Will. He had also identified the signatures of the testator and the other attesting witness on the Will.
17. Evidence by way of affidavit dated 26th September 2023 has been filed on behalf of the petitioner no.1 (PW-2). The death certificates of the testator and his wife have been exhibited as Exhibit PW2/1 and Exhibit PW2/2, respectively. The petitioner has exhibited the Aadhaar Card of the



testator showing his residential address (Exhibit PW2/3) and of his wife (Exhibit PW2/4). The petitioner has further exhibited the Permanent Account Number of the petitioner no.3 who is the beneficiary of the subject property (Exhibit PW2/5). The petitioner has also exhibited the valuation report filed by the respondent no.1 (Exhibit PW2/6).

18. Statement of PW-1 and PW-2 has been recorded by the Joint Registrar on 21st November 2023.

19. As such, this is an uncontested case for grant of Letter of Administration.

20. It is a settled legal position that if the beneficiary is the natural legal heir of the testator, exemption can be granted from furnishing administrative-cum-surety bond. In the present case, the subject property is bequeathed in favour of the petitioner no.3, the trustees of which are the natural heirs of the testator. In fact, the testator before his death was also one of the trustees of the petitioner no.3 Trust. The Court is satisfied that the written statement/ no-objection filed by other surviving legal heirs supporting the petitioners entitle the petitioners to the relief sought in the present petition. The requirement for furnishing of administrative-cum-surety bond is accordingly dispensed with.

21. Accordingly, the petition is allowed in favour of the petitioner.

22. Subject to the petitioners filing the requisite court fees, let the Letters of Administration be issued upon the petitioners in respect of the Will of the testator.

23. The petitioners are granted liberty to apply for the originals filed in the present petition.



24. All pending applications stand disposed of.

OCTOBER 14, 2025/Rzu

AMIT BANSAL, J