



2026:DHC:8676



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

Date of decision: 29th SEPTEMBER, 2026

IN THE MATTER OF:

CNR No. DLHC010333442023

I.A. 1217/2026 & I.A. 1218/2026

IN

+ **TEST.CAS. 66/2023, I.A. 30541/2025**

HAKAM RAI TAKKAR

.....Petitioner

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

versus

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

Through: Ms. Babli Kala, Mr. Sujeet Kumar
Singh and Mr. Nakul Antil, Advs. for
Applicant – Rakesh Kumar
Mr. Shashank Mangal, Advocate for
Defendant No. 1, 3 and 6

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

JUDGMENT

I.A. 1217/2026 & I.A. 1218/2026

1. I.A. 1217/2026 has been filed by the Applicant seeking revocation of the Probate granted by this Court *vide* Order dated 03.11.2025 in TEST.CAS. 66/2023.

2. I.A. 1218/2026 has been filed by the Applicant seeking stay of the Order dated 03.11.2025, whereby probate of the Will in question was granted in favour of the Petitioner.



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3. TEST.CAS. 66/2023 was filed by the Petitioner against Respondents Nos.2 to 6 for grant of probate in respect of the Will dated 23.12.2020, executed by Late Ms. Rubinder Kaur, daughter of Late Captain Mehar Singh, resident of 117, Central Avenue, Sainik Farms, Khanpur, New Delhi-110062. According to the Petition, Late Ms. Rubinder Kaur passed away on 18.06.2022 and Petitioner was made the executor of her last Will dated 23.12.2020.

4. The case as canvassed by the Petitioner was that testatrix was the daughter of Late Mr. Captain Mehar Singh and Late Mrs. Kulwant Kaur. Mrs. Kulwant Kaur pre-deceased Captain Mehar Singh and passed away on 18.03.2005 and Captain Mehar Singh passed away on 29.03.2019.

5. The Petition also revealed that Late Captain Mehar Singh had two brothers and two sisters, i.e., Respondent No.3 to 6. It was stated that Respondents No.3 to 6 were not maintaining cordial relationship with Late Captain Mehar Singh and they hardly used to contact their brother. It was also stated that Respondent Nos. 3 to 6 had already left India and were living Overseas in Australia.

6. According to the Petitioner, he was close to the family of Late Captain Mehar Singh and was privy to what was happening in the family. Furthermore, Respondent No.2, being the cousin of the testatrix was always treated by her like her brother. Accordingly, in her Will, the Petitioner bequeathed her estate in favour of her cousin, i.e., Respondent No. 2.

7. This Court notes that *vide* order dated 03.11.2025, the Coordinate Bench of this Court noted that the Will in question was registered on 24.08.2022. Furthermore, it was recorded that despite issuance of notice, there was no response from Respondent Nos. 3 to 6 and accordingly, their



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right to file the reply was closed. It was further recorded that the valuation report *qua* the estate was received and subsequent thereto, affidavits of evidence were filed on behalf of Petitioner/PW-1 as well as one Sh. Vandan Arora/PW-2, being the attesting witness to the Will. The attesting witness was examined, who deposed regarding the execution of the Will dated 23.12.2020 and regarding the mental sanity of the testatrix while executing the said Will. The attesting witness also identified the signatures of the testatrix and that of the other attesting witnesses, on the said Will.

8. The Court having being satisfied by the testimony of the attesting witness came to the conclusion that the Will satisfies the requirements of law.

9. The present Application being I.A. 1217/2026 has been filed by the Applicant herein for revocation of grant of probate by this Court *vide* Order dated 03.11.2025. The Applicant claims to be an Ayurvedic doctor who was treating Late Captain Mehar Singh and Late Rubinder Kaur. According to him, he was taking care of the testatrix after the death of her father and during her hard times. The Applicant states that the testatrix was suffering from herpes disease and he saved her life. Claiming that the Will dated 23.12.2020 is fabricated one, which has been prepared and executed by the Petitioner in connivance with Respondent No.2, it is averred that the testatrix had in fact executed a Will dated 22.11.2021 in favour of the Applicant herein.

10. It is stated that by taking advantage of the Will dated 23.12.2020, the beneficiary under the Will, in connivance with the Petitioner, i.e., the executor of the said Will, have started alienating the properties. Hence, the present Application.



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11. Heard learned Counsel for the parties and perused the material on record.

12. A probate for the Will dated 23.12.2020 has been granted by this Court wherein it has been proved to the satisfaction of the Court that the said Will has been duly executed and satisfies the ingredients under Section 63 of the Indian Succession Act.

13. It is trite law that a Will does not grant title and it only shows that the Will was properly executed and is the last Will of the testatrix. The Applicant, other than making averments that the said Will is not genuine, has not been able to substantiate his case. No reason has been provided in the present Application as to how the Will dated 23.12.2020 is not genuine.

14. It is pertinent to note that the Applicant herein has already filed a Probate Petition bearing No. PC 15/2025 before the District Judge, South District, Saket Courts, New Delhi for grant of probate of the Will dated 22.11.2021, which has been claimed to be executed in favour of the Applicant herein. If the Applicant is successful in proving that the Will dated 22.11.2021 is executed properly, then the latter Will shall prevail over the former Will dated 23.12.2020 and accordingly, legal consequences will follow. At this juncture however, the Applicant has not been able to satisfy to this Court as to how he is entitled to the relief averred in the captioned Application. There is nothing in the present Application which shows that there existed any suspicious circumstances surrounding the Will dated 23.12.2020, especially when this Court has already looked into the circumstances and has come to this conclusion that the Will has been properly executed.

15. It is open for the Applicant to file an appropriate Suit so as to get the



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orders in accordance with law to prevent any sale of properties belonging to the testatrix which have now devolved upon the beneficiary of the Will dated 23.12.2020, by virtue of probate granted by this Court *vide* Order dated 03.11.2025. This Court is therefore, not inclined to entertain this Application. However, it is made clear that this Court has not made any observation on the genuineness of the Will dated 22.11.2021, which, Applicant herein states to have been executed in his favour. Further, the District Judge, South District, Saket Courts, New Delhi is requested to examine the Will dated 22.11.2021 uninfluenced by the fact that this Application filed by the Applicant herein has been rejected.

16. Since the Court is not inclined to allow I.A. 1217/2026 for revocation of probate granted *vide* Order dated 03.11.2025, it goes without saying that the stay of the Order dated 03.11.2025, as claimed for in I.A. 1218/2026 is also rejected.

17. Resultantly, both the Applications are disposed of.

SUBRAMONIUM PRASAD, J

SEPTEMBER 29, 2026

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