

PC. No.1/18
Upasana Kang & Anr Vs State & Anr.

12.12.2018

Present: Ms. Meena Saini, Ld. Counsel for the petitioners.
None for the State/General Public-respondent no.1.
Respondent no.2 in person.
Mr. Arun Kumr Singh, P.A to Tehsildar/SDM Dwarka (SW)
District is present.
Mr. Rajender Singh, CDV from the office of SDM, Hauz
Khas is present.

The matter has been listed today for leading evidence on behalf of the petitioners. Though there is no opposition to the present petition since respondent no.2 has already given his statement to the effect that he is supporting the petition, formal issues are still required to be framed. The following issues are framed for just adjudication of the case:-

- i) Whether the petitioners are entitled for grant of Letter of Administration/probate of Will dated 15.09.2016 executed by the purported Testatrix late Smt. Devinder Kaur Kang? OPP*
- ii) Relief.*

No other issue arises or pressed for.

Perusal of the Will reveals that respondent no.2 who was the husband of the Testatrix, is the appointed Executor in the Will and in his absence, petitioner no.1 is to act as Executor.

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Consequently, formal statement of respondent no.2 who is present in person has been recorded to the effect that he does not wish to be the Executor of the Will in the present petition.

Valuation reports in respect of the immovable properties have been filed today. Testatrix had half share in flat No.B-3, 78, 2nd floor, Safdarjung Enclave, New Delhi. The valuation report in respect of the said property has been received from the office of SDM Hauz Khas. However, it appears that the valuation has been submitted in respect of the entire flat, although in the valuation report, it has been highlighted that valuation of half share has been given. The total area of the flat as per the report is 104 sq.ft. Respondent no.2 who is the owner of the other half of this property submits that 104 sq. feet is the total area of the flat. Respondent no.2 is directed to file property documents to ascertain the area. In case the total area is actually 104 sq. ft., the valuation filed today will be halved at the stage of filing of Court fee. Valuation report has also been filed in respect of other immovable property i.e. flat No.651 New Ashiyana, Co-operative Group Housing Society, Plot No.10 Sector-6, Dwarka, New Delhi.

Bailable warrant issued against SDM Hauz Khas is recalled.

Affidavits in evidence of the petitioner witnesses be filed within three weeks from today.

Put up again on 16.03.2019 for recording petitioner's evidence.

(AJAY GULATI)
ADJ-02/SOUTH
SAKET/NEW DELHI
12.12.2018