

Sr. No.	Date	Orders
		<p>% 30.09.2005</p> <p>Present : Mr. V.K. Makhija, Sr. Advocate with Ms. Vandana Khurana, Advocate for the Plaintiff. Mr. Rajiv Yadav, Advocate for Defendant No.2. Mr. Jagdeep Anand, advocate for defendant No.3. Mr. Shailendra Paul, Advocate for defendants 4, 5 and 6.</p> <p><u>+IA No 7631/2004 (O 39 R 2A CPC) in Test Cas 18/2004</u></p> <p>* Learned counsel for defendant No.3 states that defendant No.3 was and continues to be in possession of property bearing No.H-3/11 Model Town, Delhi. Learned counsel further states that defendant No.3 was using the premises sometime for storage of his goods but that stands removed and now he or his daughter stays there.</p> <p>In view of the aforesaid position, no further directions are called for on this application.</p> <p>The application stands disposed of.</p> <p><u>Test. Cas.18/2004</u></p> <p>This is a petition seeking probate of the will of late Shri Sat Narain Tulsian dated 26.01.2003. Late Shri Tulsian passed away on 06.02.2003 and his death certificate is attached to the petition which is not disputed by the respondents. The movable and immovable assets which are dealt with under the will have been stated in Annexures A to C of the petition.</p>

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		<p style="text-align: right;">25</p> <p>Late Shri Tulsian was survived by the petitioner and other legal heirs mentioned in para 5 of the petition. Along with the petition affidavits of no objection were already filed by two daughters of late Shri Tulsian. The three sons and two grandsons from the fourth son are the beneficiaries under the will who had entered into an agreement dated 22.02.2003 affirming to the will.</p> <p>It is stated that the deceased was a resident of Delhi and owned properties in Delhi. The probate petition is not opposed.</p> <p>The affidavit by way of evidence was filed of Shri Hari Babu Goel one of the attesting witnesses who has also appeared in Court and affirmed to the affidavit on 31.08.2005. The will dated 26.01.2003 is exhibited PW 1/1. The attesting witness has deposed that on point 'A' on the will late Shri Sat Narain Tulsian penned his signatures in the presence of the attesting witness and the attesting witness signed at point 'C' on the will in the presence of the testator and other attesting witness Shri Ajay Bansal had signed on point 'B' in his presence.</p> <p>There is no executor of the will.</p> <p>In view of the aforesaid, I am satisfied that there is no impediment to the grant of letter of administration with the will annexed dated 26.01.2003.</p>

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		<p>Notice have been issued to the Chief Controller, Revenue, but no objections to the valuation as stated in the petition have been filed.</p> <p>In view thereof, the petitioner shall pay the requisite court fee and on such court fees being paid the letter of administration annexing the will be issued under Section 278 of the Indian Succession Act.</p> <p>The petition stands disposed of.</p> <p><u>IA No.1936/2005</u></p> <p>In view of the letter of administration having been granted, no directions are called for in this application.</p> <p>The application stands disposed of.</p> <p>September 30, 2005 mb</p> <p><i>Sanjay Kishan Kaul</i> SANJAY KISHAN KAUL, J.</p> <p><i>for IA PS 26/05</i></p>