



PBT-1-2025 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(331)

PBT-1-2025 (O&M)

Date of decision: - 08.04.2026

IRA SRIVASTAVA

....Petitioner

Versus

GENERAL PUBLIC AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Arvind Bhatt, Advocate,
Mr. Danish Aftab Chowdhury, Advocate, and
Mr. Shantanu Bansal, Advocate,
for the petitioner.

Ms. Ira Srivastava, petitioner in person (through VC).

Mr. Sahil Mehndiratta, Advocate,
for respondent Nos.2 and 3.

Ms. Rita Srivastava, respondent No.2 in person
(Through VC).

Ms. Meghna Srivastava, respondent No.3 in person
(Through VC).

VIKAS BAHL, J. (ORAL)

1. Present petition has been filed under Sections 222 and 276 read with 273 of the Indian Succession Act for grant of Probate of Will dated 03.11.2023 executed by Dileep Srivastava son of late Shri Luckshmi Chand Srivastava, resident of BC-126 Birch Court, Nirvana Country, Sector 50, Gurugram, Haryana.

2. Petitioner-Ira Srivastava daughter of late Sh. Dileep



Srivastava has filed the present petition. Respondent no.2 is the wife of late Sh. Dileep Srivastava and respondent No.3 is the second daughter of late Sh. Dileep Srivastava and the said respondent Nos.2 and 3 have given their no objection for the grant of probate. General Public was duly served through publication which was carried out through various newspapers, which have been duly exhibited as Ex.PW3/5, Ex.PW3/6, Ex.PW3/7 and Ex.PW3/8 and no one has appeared on behalf of the General Public or raised any objection.

3. It is the common case of the parties that Sh. Dileep Srivastava was son of late Sh. Luckshmi Chand Srivastava and was the resident of Gurugram, Haryana and had died on 08.02.2025 and Death Certificate regarding the same is exhibited as Ex.PW3/1. It is further the common case of the parties that the said Sh. Dileep Srivastava had married respondent No.2 and was blessed with two daughters i.e., petitioner and respondent No.3 and the mother of Sh. Dileep Srivastava has pre-deceased him and that on 03.11.2023, Sh. Dileep Srivastava had made a Will which was duly attested and registered with the Sub-Registrar, Wazirabad, Gurugram, Haryana on 03.11.2023. The said Will has been duly exhibited as Ex.PW1/1. It has been highlighted that a perusal of the said Will would show that the deceased was the owner of several properties including the properties which were situated in Gurgaon as well as in Noida, Uttar Pradesh and also had several bank accounts in various cities including Delhi, Calcutta and Mumbai and that as per the said Will, the deceased had bequeathed all his properties both



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moveable and immoveable and investments to his wife i.e. Ms. Rita Srivastava-respondent No.2.

4. A perusal of the Will would show that there were two attesting witnesses of the Will, one being Jasjive Singh Oberoi and other being Mr. Deepak and the Will was scribed by Mr. Ram Niwas, Advocate. On 13.11.2025, Jasjive Singh Oberoi son of Mr. Bhupinder Singh Oberoi, attesting witness, had appeared before this Court and had tendered his affidavit dated 01.11.2025, which was exhibited as Ex.PW1/A and had also tendered a copy of the Will dated 03.11.2023 which was exhibited as Ex.PW1/1, the original of which was shown to the Court and was returned. The statement of Jasjive Singh dated 13.11.2025 is reproduced herein below: -

“ PBT-1-2025

MS IRA SRIVASTAVA

VS

GENERAL PUBLIC AND OTHERS

*Statement of Jasjive Singh son of Mr. Bhupinder Singh Oberoi, aged 65 years, resident of Apartment No.C-201, Park View City-2, South City-II, Sohna Road, Sector 49, Gurugram, Haryana.
On SA*

I have tendered my affidavit dated 01.11.2025 as Ex.PW1/A and also tendered a copy of the Will dated 03.11.2023 as Ex.PW1/1 (original has been shown to this Court and returned). I further produce an affidavit dated 07.04.2025 (original of which has been annexed as Annexure P-3 at page 22 of the paper-book) and the same is exhibited as Ex.PW1/2.



Xxxx by counsel for respondents No.2 and 3.

Opportunity given, NIL

RO & AC

November 13, 2025”

5. Affidavit by way of evidence given by the said Jasjive Singh Oberoi is reproduced herein below: -

“Ms. Ira Srivastava ... Petitioner

Versus

General Public & Others ... Respondents

AFFIDAVIT BY WAY OF EVIDENCE

I. Jasjive Singh Oberoi, son of Mr. Bhupinder Singh Oberoi, aged 65 years, resident of Apartment No. C-201, Park View City-2, South City-II, Sohna Road, Sector 49, Gurugram, Haryana-122018, do hereby solemnly affirm and declare as under:

- 1. I knew late Shri Dileep Srivastava since 1995. He was a close personal friend and I used to meet him frequently. He was also my neighbour in Jakarta for over ten years. Later, I moved to India but we kept in touch and met regularly. He told me that he was going to make a Will and that I should attest the same.*
- 2. Ultimately, a day or two before 3.11.2023, Shri Dileep Srivastava asked me to come to his residence and attest his Will.*
- 3. On 3.11.2023, I went to Shri Dileep Srivastava residence at 126 Birch Court, Nirvana Country, South City-2, Sector 50, Gurugram, Haryana. Mr. Deepak [who was also known to Shri Dileep Srivastava since long] was also present there.*



- Thereafter, three of us proceeded to the Office of Sub-Registrar.*
4. *At the Sub-Registrar's Office, Shri Dileep Srivastava read his Will dated 3.11.2023. He then (in my & Deepak's presence) signed at the foot of pages 1 to 4 & 6 [at Points 'A' to 'E'] of his Will dated 3.11.2023. On the fifth page of the said Will he signed above his name [at Point 'F'].*
 5. *I attested the said Will as the first witness [at Point 'G']. Thereafter, Mr. Deepak attested the said Will as the second witness [at Point 'H']. The execution and attestation were thus complete. Shri Ram Niwas, Advocate who had drafted the said Will initialled at Point I.*
 6. *Shri Dileep Srivastava, presented the Will dated 3.11.2023 for registration. After some formalities were through, he (Dileep Srivastava) acknowledged execution of his Will dated 3.11.2023 to the Sub-Registrar and signed at the reverse of pages 1 [at Point 'J'] and page 2 [at Point 'K'].*
 7. *Of the two witnesses who identified him (Dileep Srivastava) before the Sub- Registrar, I was one. The other was Mr. Deepak. We also placed our signatures [at Points 'L' and 'M'] on the reverse of page 2 of the Will dated 3.11.2023.*
 8. *The Will dated 3.11.2023 was admitted to registration as Document No.920 in Bahi No.3 Jild No.8 at page No.87 and in Additional Bahi No.3 Jild No. 212 at pages 87 to 91 with Sub-Registrar, Wazirabad, Gurugram, Haryana, on 3.11.2023.*
 9. *Shri Dileep Srivastava and Mr. Deepak have placed their signatures in my presence. I identify their and my signatures & photographs on Will dated 3.11.2023. The original Will dated 3.11.2023 is **Ex.PW-1/1 (OSR)**.*
 10. *Shri Dileep Srivastava was of a sound and disposing state of mind at the time of execution of the said Will and even thereafter.*
 11. *I have sworn Affidavit dated 7.04.2025 in support of the*



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above probate Petition. I identify my signatures on it. It is Ex. PW-1/2. My Aadhaar Card [No. 8876 7498 7653] is Ex. PW-1/3 (OSR).

Gurugram, Haryana

sd/-

01.11.2025

DEPONENT

Jasjive Singh Oberoi”

A perusal of the above would show that the attesting witness Jasjive Singh Oberoi has specifically stated that the deceased-Dileep Srivastav was of a sound and disposing state of mind at the time of the execution of the said Will and even thereafter and Dileep Srivastava and Deepak had placed their signatures in his presence and he had identified their signatures as well as the photographs on the Will. It was further stated that the Will was drafted by Mr. Ram Niwas, Advocate and was also presented for registration and was duly registered. In spite of opportunity, no cross-examination was conducted by respondents No.2 and 3 of the said witness.

6. On the same date i.e. 13.11.2025, Deepak, second attesting witness, was also examined and he had tendered his affidavit which was exhibited as Ex.PW2/A. The statement of Deepak dated 13.11.2025 is reproduced herein below: -

“PBT-1-2025

MS IRA SRIVASTAVA

VS

GENERAL PUBLIC AND OTHERS

Statement of Deepak son of late SJ Kali Charan, aged 47 years, resident of CN-57/29, T Huts, Nanak Pura, New Delhi.



On SA

I have tendered my affidavit dated 03.11.2025 as Ex.PW2/A and also produced an affidavit dated 07.04.2025 (original of which has been annexed as Annexure P-4 at page 25 of the paper-book) and the same is exhibited as Ex.PW2/1. I further produce the Aadhar Card, a copy of which is at page 27 of the paper-book (original of which has been shown to this Court and returned) and the same is exhibited as Ex.PW2/2.

Xxxx by counsel for respondents No.2 and 3.

Opportunity given, NIL

RO & AC

November 13, 2025

7. The affidavit by way of evidence of the said witness is reproduced herein below:-

“Ms. Ira Srivastava ... *Petitioner*

Versus

General Public & Others ... *Respondents*

AFFIDAVIT BY WAY OF EVIDENCE

I. Deepak, son of late SJ Kali Charan, aged 47 years, resident of CN-57/29, T Huts, Nanak Pura, New Delhi-110078, the deponent above-named do hereby solemnly affirm and declare as under:

- 1. I knew late Shri Dileep Srivastava through Wing Cdr. Datt since around year 2000. I used to frequently meet late Shri Dileep Srivastava and also accompany him to meetings.*
- 2. In end October 2023, Shri Dileep Srivastava told me that he*



was going to make a Will and that I should attest it.

3. *Ultimately, on 3.11.2023, Shri Dileep Srivastava asked me to come to his residence and attest his Will.*
4. *On 3.11.2023, I went to Shri Dileep Srivastava residence at 126 Birch Court, Nirvana Country, South City-2, Sector 50, Gurugram, Haryana. Later, Mr. Jasjive Singh Oberoi [who was also known to Shri Dileep Srivastava since long] also arrived. Thereafter, three of us proceeded to the Office of Sub-Registrar.*
5. *At the Sub-Registrar's Office, Shri Dileep Srivastava read his Will dated 3.11.2023. He then (in my & Mr. Jasjive Singh Oberoi's presence) signed at the foot of pages 1 to 4 & 6 [at Points 'A' to 'E'] of his Will dated 3.11.2023. On the fifth page of the said Will he signed above his name [at Point 'F'].*
6. *Mr. Jasjive Singh Oberoi attested the said Will as the first witness [at Point 'G']. Thereafter, I (Deepak) attested the said Will as the second witness [at Point 'H']. The execution and attestation were thus complete. Shri Ram Niwas, Advocate who had drafted the said Will initialled at Point I.*
7. *Shri Dileep Srivastava, presented the Will dated 3.11.2023 for registration. After some formalities were through, he (Dileep Srivastava) acknowledged execution of his Will dated 3.11.2023 to the Sub-Registrar and signed at the reverse of pages 1 [at Point 'J'] and page 2 [at Point 'K'].*
8. *Of the two witnesses who identified him (Dileep Srivastava) before the Sub- Registrar, Mr. Jasjive Singh Oberoi was one. The other was Deponent (Deepak). Mr. Jasjive Singh Oberoi's signed at Points 'L' while I signed at Point 'M'] on the reverse of page 2 of the Will dated 3.11.2023.*
9. *The Will dated 3.11.2023 was admitted to registration as Document No.920 in Bahi No.3 Jild No.8 at page No.87 and in Additional Bahi No.3 Jild No. 212 at pages 87 to 91 with Sub-Registrar, Wazirabad, Gurugram, Haryana, on*



3.11.2023.

10. *Shri Dileep Srivastava and Mr. Jasjive Singh Oberoi have placed their signatures in my presence. I identify their and my signatures & photographs on Will dated 3.11.2023. The original Will dated 3.11.2023 is Ex.PW-1/1.*
11. *Shri Dileep Srivastava was of a sound and disposing state of mind at the time of execution of the said Will and even thereafter.*
12. *I have sworn Affidavit dated 7.04.2025 in support of the above probate Petition. I identify my signatures on it. It is Ex. PW-2/1. My Aadhaar Card [No. 8090 2313 9008] is Ex. PW-2/2 (OSR).*

*New Delhi
30.11.2025*

*sd/-
DEPONENT”*

8. In addition to the above evidence, the petitioner-Ira Srivastava had appeared on 21.01.2026 and had also exhibited various documents. The statement of Ira Srivastava dated 21.01.2026 is reproduced herein below: -

*“MS IRA SRIVASTAVA
VS
GENERAL PUBLIC AND OTHERS*

Statement of Ira Srivastava daughter of late Dileep Srivastava, aged 26 years, resident of Flat 41, Lake View Apts, Gangadhar Chetty Road, Ulsoor, Sivanchetti Gardens, Bengaluru, presently in Chandigarh.

On SA

I have tendered my affidavit dated 21.01.2026 as Ex.PW3/A and along with the affidavit, I have produced the original death certificate Ex.PW3/1, list of assets Ex.PW3/2, affidavit-cum-No



Objection Certificate dated 21.03.2025 of respondent No.2 Rita Srivastava, which has been annexed as Annexure P-6 along with main petition, as Ex.PW3/3, affidavit-cum-No Objection Certificate dated 27.03.2025 of respondent No.3 Meghna Srivastava, which has been annexed as Annexure P-7 along with main petition, as Ex.P3/4, newspapers as Ex.PW3/5, Ex.PW3/6, Ex.PW3/7 and Ex.PW3/8, affidavits of Rita Srivastava and Meghna Srivastava after the filing of the main petition giving their no objection are Ex.PW3/9 and Ex.PW3/10, certified copy of Deed of Conveyance dated 29.08.2023 as Ex.PW3/11, certified copy of Deed of Conveyance dated 04.05.2022 as Ex.PW3/12, copy of applicant's Ledger with respect to the unit at World Trade Centre, Greater Noida Project, Uttar Pradesh as Ex.PW3/13.

xxxx by counsel for respondents No.2 and 3.

Opportunity given, NIL

RO & AC

January 21, 2026”

9. In spite of due opportunity, no cross-examination was conducted by respondents No.2 and 3 with respect to the said witness. The petitioner had led her evidence in support of the due execution of the registered Will.

10. From the abovesaid facts and circumstances, the due execution of the registered Will dated 03.11.2023, which is admittedly the last testament of the deceased Dileep Srivastava, has been duly proved. No suspicious circumstances have been pointed out in the present case by any of the parties. Moreover, respondent No.2, who is the beneficiary of the Will, is the wife of the deceased and thus, the said Will is a natural



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Will. There is nothing on record to suggest that the prayer of the petitioner for grant of probate with respect to the registered Will dated 03.11.2023 should not be granted.

11. In the present case, it is not in dispute that the deceased was a permanent resident of Gurugram and thus, the Courts exercising jurisdiction over Gurugram would have jurisdiction in the matter. However, since it is not in dispute that the value of the property situated outside of Haryana i.e., in Uttar Pradesh is more than Rs.10,000/-, thus, the District Court would have no jurisdiction as per provision of Section 273 of the Act and this Court would have jurisdiction regarding the same.

12. Keeping in view the above said facts and circumstances, the present petition is allowed and the probate is hereby granted in respect of the registered Will dated 03.11.2023 executed by late Dileep Srivastava.

13. Pending application(s), if any, stand disposed of in view of the abovesaid order.

April 08, 2026
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	Yes