

Title:

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Citation:

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Court:

S.B. Sinha & V.S. Sirpurkar

Date of Judgement:

Not found

Bench:

Parties Involved:

Kumari Sharada Raje & Ors

DATE OF JUDGMENT: 24/04/2008

Background / Facts of the Case:

Not found

Legal Issues:

Not found

Judgement / Holding:

J U D G M E N T REPORTABLE CIVIL APPEAL NO. 2965 OF 2008 [Arising out of SLP (Civil) No. 2791 of 2006] WITH CIVIL APPEAL NOs. 2974,2975,2977 OF 2008 [Arising out of SLP (Civil) Nos. 13865, 5831 and 9080 of 2006] S.B. SINHA, J :

1. Leave granted.

2. These appeals are directed against a judgment and order dated 18.05.2001 passed by a learned Single Judge of the Madhya Pradesh High Court at Indore dismissing two applications for grant of probate/ letters of administration with the copy of the annexed Will in respect of the assets of Late Maharani Sharmishthabai Holkar (hereinafter called as "the testatrix"), the widow of Late Maharaja Tukoji Rao Holkar, former ruler of the erstwhile Holkar State.

3. Maharaja Tukoji Rao Holkar died on 21.05.1978 leaving behind four daughters,

Anil Kak vs Kumari Sharada Raje & Ors on 24 April, 2008

Indian Kanoon - <http://indiankanoon.org/doc/251771/>

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Sharada Raje Holkar, Sita Raje Ghatge, Sumitra Raje Dalvi and Sushila Raje Holkar.

He had executed a Will on 27.11.1942 bequeathing all his properties in favour of the

testatrix. Indisputably, a letter of administration had been granted in favour of the

testatrix in respect of the Will dated 27.11.1942 made in her favour by her husband.

Apart from the properties inherited by the testatrix from her husband, she had also

her own Stridhan properties. She purported to have executed a Will on or about

23.08.1978 in favour of Kumari Sharada Raje. She, however, allegedly executed

another Will on or about 4.11.1992, by reason whereof, she purported to have revoked

the Will executed by her on 23.08.1978 and/ or the Codicil. She appointed one K.R.P.

Singh and the appellant Anil Kak as joint executors. She also appointed Mr. T.N.

Unni, her Chartered Accountant to assist the executors in administering and

distributing the estate and executing the said Will. She categorized her properties in

two parts, viz., Part A and Part B. Part A consisted of those properties which were

bequeathed in her favour by her husband and Part B consisted of properties other

than those specified in Part A. By reason of the said Will, the said two sets of the

properties were to be administered separately. Whereas Part A properties were

bequeathed in favour of four daughters, Part B properties were sought to be

bequeathed in favour of her four grand children.

4. Indisputably, the said Will was purported to have been attested by one Gita Sanghi,

who examined herself as PW-5 and one Baljit Bawa, who was not examined. The Will

contained a few appendices. Whereas the attesting witnesses purported to have put

their signatures in each page of the Will, they did not put any signature on the

appendices to the said Will.

5. With a view to appreciate the relationship of the parties, we may notice the family tree, which is as under:

Appellant Anil Kak is the husband of Gangesh Kumari and son-in-law of Sumitra Raje Dalvi. Appellant Arjun Kak is son of the appellant Anil Kak.

6. Before proceeding further, we may notice that whereas the application for grant of Letters of Administration with a copy of the Will dated 23.08.1978 annexed, filed by Kumari Sharada Raje was marked as Suit No.

2 of 1998; Anil Kak and Kumar Rampratap filed an application for grant of probate in th  
Judgement:

Not found

Case Timeline:

Not found

Relevant Legal Provisions & Articles:

Not found

Conclusion:

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