

SUPREME COURT OF INDIA

Vidya Bhargava

Vs.

Shekhar Bhargava

Transfer Petition(C) No. 799 of 2007

(R.V. Raveendran J.)

07.07.2008

ORDER

1.The first respondent herein, who is the son of Late Kanhiyalal Bhargava, has filed a petition for probate in regard to the Will allegedly left by said Kanhiyalal Bhargava in the High Court of Madhya Pradesh, Indore Bench. According to him, he and the petitioner herein are the co-executors of the Will.

2. The petitioner has filed this petition for transfer of the said probate proceedings from the High Court of Madhya Pradesh to High Court of Delhi. It is not disputed that considerable properties of Kanhiyalal Bhargava are situated at Indore. It is also not disputed that the said Will was executed at Indore and the attesting witnesses are from Indore. In fact, it is not the case of the petitioner that Kanhiyalal Bhargava did not execute the said Will. However, according to the petitioner, Kanhiyalal Bhargava executed a subsequent Will in favour of a Public Trust and that Public Trust has also filed a petition for probate. But we are not concerned with the said proceedings.

3. Having regard to the nature of the proceedings that are pending in the High Court of Madhya Pradesh and the nature of contest by petitioner, this is not a fit case for transfer from Indore to Delhi. The petition is dismissed.