

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO(S).6677/2019

WITH

IA NO. 263542/2025 IN CIVIL APPEAL NO(S).6677/2019

THE STATE OF RAJASTHAN AND ORS.

APPELLANT(S)

VERSUS

LORD NORTHBOOK AND ORS.

RESPONDENT(S)

O R D E R

IA NO. 263542/2025:

Pursuant to the judgment of this Court passed on 01.09.2025 in Special Leave Petition (Civil) Nos.14721-14723 of 2024 and the observations made therein, we do not find any reason to consider this application in this Civil Appeal.

It is needless to observe that the consequences of the judgment dated 01.09.2025 passed in Special Leave Petition (Civil) Nos.14721-14723 of 2024 shall take effect in accordance with law as this Court has upheld the grant of probate by the Delhi High Court.

In the circumstances, we dispose of this application by reserving liberty to the applicant to seek relief and all other consequential orders pursuant to our judgment dated 01.09.2025 in accordance with law, including approaching the High Court for the said purpose.

Having regard to our findings in paragraphs 6 to 8 in

the order dated 01.09.2025 of Special Leave Petition (Civil) Nos.14721-14723 of 2024, we hold that this Civil Appeal No.6677 of 2019 has been rendered infructuous and is accordingly disposed of.

For ease of reference, paragraphs 6 to 8 are extracted as under:

“6. However, in the instant case the facts are that the probate of the Will of the testator was firstly declined by the learned single Judge but was later granted by the Division Bench of the High Court. Therefore, there is a pronouncement on the validity of the Will of the testator by a competent court of law. In the circumstances, the legatees under the Will would be the persons who would succeed to the property. In the instant case, the legatees under the Will is the ‘Khetri Trust’ and therefore the Trust would have to ensure that the intentions of the testator are complied with through the objects of the Trust.

6.1 In our view, the lis in State of Rajasthan vs. Lord Northbrook has now been rendered wholly academic inasmuch as the Division Bench of the Delhi High Court has allowed the appeals and has declared the Will of the testator to be valid and has granted probate of the Will of Sri Raja Sardar Singh. Consequently, the legatees under the Will would have to carry out the intention of the testator for which an executor had also been appointed under the said Will.

6.2 The grant of probate by a competent court of law can be assailed only by those who are the likely heirs if the Will is to fail, by either filing an

appeal against it or by seeking revocation of the grant of probate under Section 263 of the IS Act, 1925. Further, it is only when there is failure of heirs that the estate of an intestate Hindu would devolve on the Government under Section 29 of the Act. This means that till that stage arrives, the Government is a stranger to the probate proceedings as well as any proceeding regarding succession under the personal law. Merely because the State of Rajasthan in the instant case has invoked the Rajasthan Escheat Regulation Act, 1956, would not give locus standi to assail the grant of probate of the Will of the testator. Hence, we have considered the locus standi of the State of Rajasthan to file these special leave petitions as a preliminary issue in these Special Leave Petitions.

6.3 In view of the above, we find that the State of Rajasthan in the instant case has no locus standi to challenge the judgment of the Division Bench of the High Court on the strength of the escheat of the properties of the testator. Section 29 of the Act does not apply in the instant case as this is not a case of intestate succession but one of testamentary succession as probate of the Will has been granted by High Court.

6.4 We may also mention that in the event the probate has been granted illegally to the legatees of a Will inasmuch as the Will itself is not a valid Will, then under Section 263 of the IS Act only the persons who could have succeeded, by the Will being declared invalid namely, the successors under the Act, as per Section 8 thereof could have filed an application under Section 263 of the IS Act for revocation of the grant of probate and none else.

6.5 In other words, we clarify that it is only in the event of intestate succession, Section 29 of the Act applying that there would be a devolution of the estate of a deceased male Hindu on the Government and not otherwise. Since such a situation does not arise in the instant case, as probate of the Will of testator has been granted by a competent Court of law; this is a case of testamentary succession.

7. In the circumstances, we have no hesitation to hold that in the instant case the State of Rajasthan has no locus standi to challenge the judgment of the Division Bench of the High Court as the Will of the deceased testator has been probated and, therefore, Section 29 of the Act would not apply.

8. Hence, the Special Leave Petitions filed by State of Rajasthan are dismissed on the ground of locus standi.”

Pending application(s), if any, shall stand disposed of.

....., J
[B. V. NAGARATHNA]

....., J
[R. MAHADEVAN]

**NEW DELHI
NOVEMBER 3, 2025.**

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

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THE STATE OF RAJASTHAN AND ORS. & ORS.

APPELLANT(S)

VERSUS

LORD NORTHBOOK AND ORS.

RESPONDENT(S)

[ONLY I.A. NO. 263542/2025 IS LISTED UNDER THIS ITEM]
IA NO. 263542/2025 - APPROPRIATE ORDERS/DIRECTIONS

Date : 03-11-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE R. MAHADEVAN

For Appellant(s) :

Mr. S.v Raju, A.S.G.
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Mr. Shovan Mishra, AOR

Mr. Shovan Mishra, AOR

Mr. Khushi Mohd., Adv.
Mr. Deepak Goel, AOR

UPON hearing the counsel the Court made the following
O R D E R

IA NO.253542 of 2025 and the Civil Appeal No.6677 of
2019 are disposed of in terms of the signed order, which
is placed on file.

Pending application(s), if any, shall stand disposed
of.

(B. LAKSHMI MANIKYA VALLI)
COURT MASTER (SH)

(DIVYA BABBAR)
COURT MASTER (NSH)