

# COURT OF DISTRICT JUDGE I, BANKA

Probate 15 of 2023

**Petitioner Name: Munna Devi,**  
**Address: wife of Rajesh Yadav and D/o- Late Kinnu**  
**Yadav, Resident of village Bara, P.O.- Bara, P.S.-**  
**Belhar, at present vill-Tengra, P.S-Belhar, District- Banka**  
**vs**

**Opposite Parties (Respondents):**

**1. Deoki Devi,**

Wife of late Kinnu Yadav,  
Resident of village - Tengra P.O.- Tengra, P.S.-Belhar,  
District- Banka

**2. Tunna Devi,**

wife of Parmeshwar Yadav and D/o- Late Kinnu Yadav,  
Resident of village Kairajore, P.O.- Tengra, P.S.- Belhar,  
District- Banka, at present Tengra P.O.- Tengra, P.S.-  
Belhar, District- Banka

[Probate petition was non contentious as Notices were issued to the opposite parties. Despite opportunity, there were no objection disputing execution, attestation, testamentary capacity or genuineness of the Will from anyone. The petition therefore proceeded for evidence].

**Learned Counsel of Petitioner- Sri Ram Kishore Yadav,**  
**Ld. Advocate**

**Present-Kumar Amit Manu**

**District Judge -I, Banka**

**Dated this 29<sup>th</sup> day of April, 2026**

# **COURT OF DISTRICT JUDGE I, BANKA**

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## **FINAL ORDER**

1. The present application has been filed by the petitioner under the Indian Succession Act for grant of Probate in respect of a registered will dated 21.11.2011 allegedly executed by Late Kinnu Yadav, s/o- Late Prabhu Yadav, of village-Belhar, Dist.-Banka.

2. The petitioner states that Late Kinnu Yadav, was residing in the jurisdiction of Banka and died on 17.05.2020 and before his death he executed the will dated 21.11.2011 and after execution of will he died on 17.05.2020. The registered will was executed in favour of beneficiary Munna Devi, who is one of the daughter of the testator and the sole beneficiary of the said will. The will is duly verified by both the attesting witnesses present at the time of execution of the aforesaid will by the testator. By the said will the entire Schedule 'A' property as enclosed with the petition was bequeathed in favour of the petitioner. It is further stated that the will was executed in a sound disposing state of mind, voluntarily and without any coercion or undue influence. During the course of hearing, the petitioner claims to be the executrix and in possession of the property since the death of the testator. The

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valuation of the estate is Rs.Eighty Lakhs and requisite court fee has been paid.

## Notice and Appearance

3. The notice was issued to the opposite parties. Two opposite parties namely Deoki Devi and Tunna Devi have appeared and filed their written statement. From perusal of written statement, it transpires that both have supported the case of the petitioner and therefore, this case is not contentious. During the course of hearing the petitioner examined herself, as well as attesting witnesses of the will were also examined.

4. Evidence adduced by Petitioner:-

|   |      |               |                   |
|---|------|---------------|-------------------|
| 1 | PW-1 | Munna Devi    | Petitioner        |
| 2 | PW-2 | Kedar Thakur  | Attesting witness |
| 3 | PW-3 | Tunna Devi    | Opposite Party    |
| 4 | PW-4 | Harihar Yadav | Attesting witness |

Documentary Evidence (Applicant)-

|   |        |                               |                   |
|---|--------|-------------------------------|-------------------|
| 1 | Ext.-1 | Signature of PW-2 on the will | Without objection |
|---|--------|-------------------------------|-------------------|

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5. From the oral and documentary evidences adduced, it stands established that the will dated 21.11.2011 is a registered document and that the testator signed the same in the presence of the attesting witnesses. The attesting witnesses, in turn, signed the will in the presence of testator and each other. The evidence further shows that at the time of execution the testator was in a sound and disposing state of mind and executed the will voluntarily without any coercion or undue influence. The will related to the property of Schedule- 'A' belongs to the testator and at the time of his death he was in possession of the said property.

6. Upon careful consideration of the pleadings and evidence on record, this court finds that the will dated 21.11.2011 has been duly proved in accordance with law. No suspicious circumstances have been brought on the record. The petitioner has successfully established her entitlement as executrix and legatee. The court further finds that it possesses territorial as well as pecuniary jurisdiction to entertain the matter and that the petition is legally maintainable.

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## **ORDER**

7. Accordingly, the probate petition is hereby allowed. Probate of the will dated 21.11.2011 executed by Late Kinnu Yadav in respect of the properties described in Schedule 'A' is granted in favour of the petitioner Munna Devi, wife of Rajesh Yadav, subject to payment of any deficit court fee as may be assessed by the office.

Upon due compliance, Office to issue Probate Certificate to the petitioner.

After due compliance, Office is directed to send the record to the record room as per rules.

Pronounced in open court.

Dictated and corrected by me.

(Kumar Amit Manu)

District Judge-I, Banka