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IN THE COURT OF SANGAM SINGH, DISTRICT JUDGE-IIIrd,
Bhojpur at Ara
Testamentary Suit No. 307 of 2026
Order Dated: 08.06.2026

Present:- Sangam Singh
District Judge – IIIrd
Bhojpur at Ara

Judgement Dated :- 8th day of June, 2026

**Testamentary Suit No. 307 of 2026
(Arising out of Probate Case No. 35 of 2021)**

Sudhir Chaudhary, S/o Yugeshwar Chaudhary, Resident of Village + Post
Dhangai, Circle Office Jagdishpur, District Bhojpur

.....plaintiff/ Claimant

Versus

General Citizen

..... Respondent / Opposite Party

Counsel for the petitioner: Shri Chandeshwar Rai, Advocate

Counsel for the opposite party :

J U D G M E N T

1. This probate case has been filed under Section 276 of the Indian Succession Act, 1925 (Act XXXIX of 1925) for grant of Probate of the Will dated 10.10.2012 of Late Rajbali Chaudhary.
2. In brief the facts are that the Late Ramnevaj Chudhary was the grandfather of the applicant, who heavenly abode leaving behind him, his three sons namely 1. Gaya Chaudhary, 2. Rajbali Chaudhary and 3. Motilal Chaudhary. Gaya Chaudhary died leaving behind him his four sons namely, 1. Vijay Chaudhary, 2. Sanjay Chaudhary, 3. Mukesh Chaudhary and 4. Lalbabu Chaudahry, similarly Motilal Chaudhary died left behind him his only one son namely Yogeshwar Chaudhary and the testator Rajbali Chaudhary died issuess. Late Yogeshwar Chaudhary, S/o Late Motilal Chaudhary heavenly abode left behind him his two sons namely Sudhir Chaudhary and Sunil Chaudhary. A partition has already taken place between the three sons of Late Ramnevaj Chaudhary and they have been in possession of their property as per the said partition. Late Rajbali



Chaudhary and his wife namely Ramkeshri Devi had no issue and the present applicants Sudhir Chaudhary and his brother Sunil Chaudhary used to care them with all corners and after pleasing with the care, service and devotion of Sudhir Chaudhary and Sunil Chaudhary, Rajbali Chaudhary executed a Will dated 10.10.2012 in the name of both the brothers declaring his whole property in his name for his entire lifetime and after his death his said property shall be turn in name and ownership of Sudhir Chaudhary and Sunil Chaudhar. Rajbali Chaudhary left for his heavenly abode on 14.12.2016 and as per the said Will the present petitioner filed this case to grant Probate to him of the property mentioned in Schedule 'Ka' of the plaint of this case.

3. As per para 7 of the plaint of plaintiff/ claimant Sudhir Chaudhary, his brother Sunil Chudhary has died on 14.05.2013 during lifetime of Rambali Chaudhary and the partition between the sons of Late Ramnevaj Chaudhary had already taken place, hence, the plaintiff did not make them as party in the present probate case.

4. None turned up to contest the probate of the plaintiff / claimant.
5. In support of averments made in the petition, plaintiff examined PW 01, Sudhir Chaudhary, Plaintiff, PW 02, Mudhuranjan Chaudahry and PW 03 Ram Ayodhya Singh

6. **PLAINTIFF WITNESSES:**

Sr. No.	Witness No. and Name	Description
1.	PW 01 - Sudhir Chaudhary	Plaintiff
2.	PW 02 - Madhuranjan Chaudhary	Witness of the Will
3.	Ram Ayodhya Singh	The person who given the evidence in support of the donation receipt of voluntarily donation given for development of crematorium where Ramkesi

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	Devi, W/o Rajbali Chaudhary was cremated
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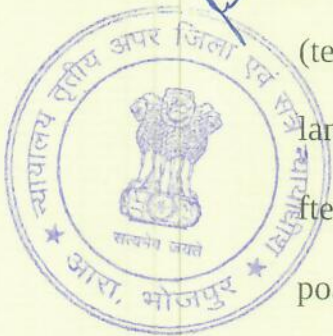
8. **EXHIBIT OF PLAINTIFF:-**

Sr. No.	Exhibit No.	Description of exhibit
1.	Exhibit 1	Will dated 10.10.2012 vide document no. 104
2.	Exhibit 1/A	Signature of Ravindra Kumar, witness of the Will
3.	Exhibit 1/B	Signature of Madhuranjan Chaudhary, witness of the Will
4.	Exhibit 3	Death Certificate of testator of Will Rajbali Chaudhary
5.	Exhibit 3/A	Death Certificate of testator of the Will, Rajbali Chaudhary
6.	Exhibit 3/B	Death Certificate of Sunil Chaudhary, brother of plaintiff / claimant Sudhir Chaudhary
7.	Exhibit 4	Sale Deed dated 17.05.1972 purchaser Rajbali Chaudhary
8.	Exhibit 4/A	Sale Deed dated 28.04.1982 purchaser Ramkesi Devi, W/o Rajbali Chaudhary
9.	Exhibit 4/B	Sale Deed dated 28.04.1982 purchaser Ramkesi Devi, W/o Rajbali Chaudhary
10.	Exhibit 4/C	Sale Deed dated 28.04.1982 purchaser Ramkesi Devi, W/o Rajbali Chaudhary
11.	Exhibit 4/D	Sale Deed dated 26.07.1977 purchaser Yogeshwar Chaudhary, Rajbali Chaudhary
12.	Exhibit 5	Chakbandi Khatian, Mauza Harna Tand, Tenant Rajbali Chaudhary & Ors.
13.	Exhibit 6	Survy Khatian, Mauja Keshri, Khata No. 125
14.	Exhibit 7	Donation receipt of crematorium Buxar donated by Sudhir Chaudhary
15.	Exhibit 8	Genealogical Table, Gram Panchyat Basauna issued by Sarpanch



9. PW 01 Sudhir Chaudhary is the plaintiff, he deposed in his examination in chief that he is the plaintiff of this case which has been filed by him for Probate of the property of Late Rajbali Chaudhary. He further deposed that Late Ram Nevaj Chaudhary was his grandfather and he has three sons, Gaya Chaudhary, Rajbali Chaudhary and Motilal Chaudhary and a mutual division / partition of the property had taken place in all respects. Since Rajvati Chaudhary had no children, Moti Lal Chaudhary—who was

also his heir—had been looking after the share of the property belonging to him. He further deposed that his younger brother Sunil Chaudhary and he used to take care of Rajbali Chaudhary and his wife Ramkesri Devi in every way—attending to their medical needs, food, and general well-being—which kept Rajbali Chaudhary very happy and comfortable. He further deposed that Rajbali Chaudhary's wife, Ramkesri Devi, also passed away and Rajbali Chaudhary regarded him and his brother Sunil Chaudhary as his own children, and they, in turn, looked upon him as a father figure, serving and caring for him in every possible way. He further deposed that contemplating the uncertainty of his own death, and while in a sound state of mind—free from any coercion or pressure and with the knowledge of all concerned—Rajbali Chaudhary executed a Will (testamentary deed) stating that, as long as Rajbali remained alive, the land in question would remain under his own possession and control and after his death, the beneficiaries would have the Will probated, take possession of the land, and have their names recorded wherever deemed necessary. He further deposed that this Will was registered at the Jagdishpur (Bhojpur) Registry Office on 10-10-2012, bearing Document No. 104. He further deposed that the entire process regarding the aforementioned document was carried out by Rajbali Chaudhary in the presence of witnesses, and those witnesses also affixed their respective signatures on the document and he personally performed the cremation / last rites of Rajbali Chaudhary as well as his wife, Ramkesri Devi. He further deposed that his brother, Sunil Chaudhary, passed away unmarried. He further deposed that the land (plot) described herein, situated in this case, is free from all encumbrances, liens, and charges; that is, there are no outstanding liabilities against it. He further deposed that he



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has been in peaceful possession and full ownership of the described land; since the death of Rajbali Chaudhary, no one has raised any objection till date and to avoid any future difficulties, he has filed this suit to obtain a Letter of Administration. He further deposed that he has submitted all the relevant documents on my behalf in the aforementioned suit and no one has raised any type of objection in this suit. He further deposed that the schedule and statements contained in the aforementioned suit are true and correct to the best of his personal knowledge. He certified that he read and understood paragraphs from 1 to 14 of this affidavit and, finding them to be correct, has affixed his signature.

On 21.02.2022 none turn up on repeated calls for cross-examination of this witness.

10. PW 02, Madhuranjan Chaudhary while supporting the applicant deposed in his examination in chief on oath that, the aforesaid Probate Case has been filed by Sudhir Chaudhary, for the property of Late Rajbali Chaudhari, S/o Late Ram Nevaj Chaudhary. He further deposed that Ram Nevaj Chaudhary was Sudhir Chaudhary's grandfather. He had three sons, namely Gaya Chaudhary, Rajbali Chaudhary, and Motilal Chaudhary. After Ram Nevaj Chaudhary's death, the property was divided between his three sons. Sudhir Chaudhary and his younger brother Sunil Chaudhary took care of Rajbali Chaudhary and his wife Ramkesri Devi, including their care, medical bills, food and drink, which left Rajbali Chaudhary very happy and pleased, further, Rajbali Chaudhary's wife, Rajkesri Devi, also passed away. He further deposed that Rajbali Chaudhary treated Sudhir Chaudhary and his younger brother Sunil Chaudhary like his own sons, and both brothers treated them like their own father. They used to care for them and supported them in every way.



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He further deposed that Rajbali Chaudhary, thinking about that he would die any time, a Will in full possession of his faculties and without any coercion or pressure, and with the knowledge of all concerned, a formal Will was executed by Rajbali Chaudhary in the name of Sudhir Chaudhary and his brother Sunil Chaudhary, stating that the land in question would remain in the possession and occupation of the executant (Rajbali) for as long as he remained alive and upon his demise, the beneficiaries would obtain probate, take possession of the land, and have their names recorded whenever deemed necessary. This document was registered at the Jagdishpur (Bhojpur) Registration Office on October 10, 2021, bearing Document No. 104. He further deposed that the Will executed by Rajbali Chaudhary in favor of Sudhir Chaudhary and Sunil Chaudhary—registered at the Jagdishpur Registry Office on October 10, 2012—was prepared in their presence and the contents of the Will were read out and explained to Rajbali Chaudhary; finding it to be correct, he affixed his signature and Jagdish (resident of Village Keshri, P.S. Dhangai, District Bhojpur) also signed as a witness. The Will was drafted by Madan Mohan Lal; he recognizes Madan Mohan Lal's handwriting and signature and also recognizes the signatures of the witness, Ravindra Kumar, as well as his own signature. He further deposed that the execution of the aforementioned Will document was carried out by Rajbali Chaudhary in the presence of witnesses, and those witnesses have also affixed their respective signatures on the document and Sudhir Chaudhary performed the cremation and Shradh (last rites) for Rajbali Chaudhary and his wife, Ramkesri Devi. He further deposed that his brother Sunil Chaudhary passed away unmarried. He further deposed that Sudhir Chaudhary has been in peaceful possession and full ownership of



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the aforementioned land, and since the death of Rajbali Chaudhary, no one has raised any objection of any kind till date. This witness has proved that he has read and understood the contents mentioned in para 1 to 12 of this affidavit and put his signature after finding it to be true. On identification of this witness the handwriting and signature of Madan Mohan Lal, who was writer of the Will has been marked as **Exhibit 1** and signature of witness Ravindra Kumar Singh has been marked as **Exhibit 1/A** and the signature of this witness has been marked as **Exhibit 1/B**.

11. None turn up on repeated calls for cross-examination on oath of the examination in chief of this witness.
12. PW 02, Madhuranjan Chaudhary taken oath that whatever testimony he give in the aforementioned case shall be the truth, and he shall conceal nothing. May God help him and after that he deposed in his examination in chief that, the plaintiff of this case is known to him, he resides in his village and his villager Late Ram Nevaj Chaudhary, had three sons namely Gaya Chaudhary, Rajbali Chaudhary and Motilal Chaudhary and after death of Ram Nevaj Chaudhar a partition of the land and property of Late Ram Nevaj Chaudhary had taken between his three sons on basis of which all the three remained in possession of their respective share as determined them by the said partition. He further deposed that Rajbali Chaudhary, son of Ram Newaj Chaudhary, had no children; consequently, Rajbali Chaudhary regarded the applicant Sudhir Chaudhary and his brother Sunil Chaudhary as his own sons, and they, in turn, regarded Rajbali Chaudhary as a father figure and used to look after him. He deposed that that Rajbali Chaudhary executed a will in favor of the applicant and his brother, which was registered at the Jagdishpur Registry Office on 10-10-2012. He further deposed that the entire process



regarding the will executed by Rajbali Chaudhary on 10-10-2012 in favor of the applicant and his brother Sunil Chaudhary took place in his presence, and the contents of the will were read out to Rajbali Chaudhary. While in a sound state of mind, Rajbali Chaudhary affixed his signature in his presence, as did the witnesses—Ravindra Kumar Singh (son of Shri Aditya Narayan Singh) and Jugesvar Chaudhary (son of Moti Lal Chaudhary). He further deposed that the Madan Mohan Lal, drafted the document and, after doing so, read it out to Rajbali Chaudhary, Sudhir Chaudhary, and Sunil Kumar Chaudhary. He further deposed that Sudhir Kumar Chaudhary's brother, Sunil Kumar Chaudhary, was murdered, and Rajbali Chaudhary passed away in 2016. Since the day of the death, the applicant, Sudhir Kumar Chaudhary, has maintained open and continuous possession of the property covered by the will, a fact known to everyone up to the present day. He deposed that the applicant is entitled to a Probate Certificate. This witness has certified that he has read and understood paragraphs one through nine of this affidavit and, finding them correct, has affixed his signature thereto.



13. PW 03, Ram Ayodhya Singh, deposed in his examination in chief that the cremation of Ramkesri Devi, wife of Rajbali Chaudhary, took place at crematorium on 6-12-2006; the voluntary donation receipt for the cremation on ground/ghat bears the full signature of the donor, Sudhir Kumar Chaudhary, and the initials of the recipient S. Ku and that the signature is in the handwriting of that very person. He further deposed that the Sarpanch of Gram Panchayat Basauna Jagdishpur (Bhojpur), Shri Yugeshwar Ram, issued a genealogy certificate regarding the descendants of the late Ram Nivaj Chaudhary (vide Letter No. 384 dated 08-04-24), upon which Sarpanch Yugeshwar Ram affixed his full signature and the

seal of the Gram Kutchery; he has seen him writing and reading, and he recognizes him. This witness has certified that he read and understood the contents of this document and, finding it to be true correct, affixed his signature. This witness identified the cremation receipt of Ramkeshi Devi which bears receipt no. 96797, dated 06.12.2006 and on his identification the same is marked as **Exhibit 7**. He further identified the genealogical certificate issued by Yugeshwar Ram, Sarpanch of Gram Panchyat Basauna vide letter no. 384 dated 08.04.2024 and on his identification the same was marked as **Exhibit 8**.

This witness replied on question of the court that he was present at the funeral of Ramkeshi Devi and he saw Yugeshwar Ram to put his signature.

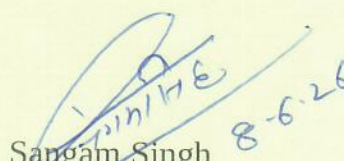
14.

Considering the statutory provision described in section-68 of Indian Evidence Act complied by Legator and attesting witnesses PW 01, PW 02 & PW 03 deposed before this Court, that Will was executed by Legator on 10.10.2012 in presence of the attesting witness PW 02, Madhuranjan Chaudhary and Ravindra Chaudhary and as per the order sheet dated 30.05.2022 none turned up to contest / protest this case as opposite party in spite of completing all the necessary processes for appearing of the the opposite party by the court and as a result of this the Ld. Court declared this case Ex parte and proceeded to further the case. All the witnesses have supported the Will executed by Late Rajbali Chaudhary Considering the fact that in this case no undue benefit has been obtained on Legatees and no objection raised by Opposite Party, in addition to that PW 02 attesting witnesses also deposed that Will was executed by Rajbali Singh in presence of two attesting witnesses, hence this court found Will presented by applicant before this court are genuine document executed



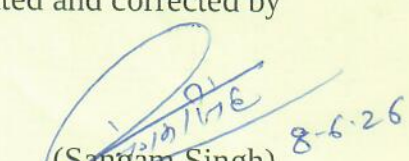
by Legator Rajbali Singh voluntarily in sound physical and mental health in the favour of Legatees, hence, Will is probated in the favour of Legatees.

15. In view of the above findings, since, the Will is executed by the testator in a sound state of mind, it has not been obtained by coercion, threat or undue influence and the Will is duly registered and attested by the witnesses. The testator was aware of the contents of the Will and the Will was not executed under any suspicious circumstances and the Will is genuine. Since, the Will is legal and valid, the testator in his Will had expressed that the applicant after getting the Probate of this Will shall take possession of the entire property mentioned in the Will. In these circumstances the applicant, in whose favour the Will was made, is alive , then he is entitled to Probate of this Will, hence, this Testamentary Suit No. 307 of 2026 (arising out of Probate Case No. 35 of 2021) is Allowed in favour of the Applicant. No order as to cost. File be consigned to record room.


Sangam Singh
District Judge-IIIrd,
Bhojpur at Ara



Dictated and corrected by


(Sangam Singh)
District Judge-IIIrd
Bhojpur at Ara