

Order dated 27.02.2026

Today is fixed for order.

Petitioner files hazira through Ld Advocate.

The record is taken up for passing order.

This is an application praying for grant of probate filed by the petitioner in respect of the last Will and Testament of Deceased namely Hena Ghosh.

This is an application praying for grant of probate in respect of the last Will and testament of deceased person. He died and lastly resided within the jurisdiction of this court. Prior to death, said deceased, executed last Will and Testament in respect of movable and immovable property and the petitioner is appointed as the executor of that Will to obtain probate from the Court of Law. It is not reported that any other petition or application filed before any court of law for obtaining the probate save and except the instant petition.

After filing the application, none appeared to contest the case, hence the case has been heard ex parte.

On behalf of the petitioner the witnesses have been examined as PWs and the documents have been produced, examined and exhibited marked as Exbt-1 to Exbt-5/2.

Having considered the evidence of the Pws and the facts proved by them, I am of the opinion that the fact of voluntary execution of the Will without any undue influence, has been proved beyond all doubts and as such the petitioner is entitled to get the probate of the Will, with copy, as prayed for under Indian Succession Act.

Accordingly the application succeeds.

Hence, it is

ordered

that, the probate case u/s 276 of Indian Succession Act is hereby allowed on ex parte.

Let the certificate of probate in respect of the last Will and testament of deceased person, who lastly resided within the jurisdiction of this court, since deceased, be granted and be issued along with the copy of the Will in favour of the petitioner.

The Will be kept in the safe custody restoring in a sealed cover envelope.

The Dealing Assistant is directed to deliver the Probate Certificate on the date of this order.

Sdr. to assess Stamp Duty.

Dic & Corr. By me.

D.D

District Delegate Howrah