

Court of Principal District Judge, Kishanganj
Probate Case No. 02/2024

Present : Namrata Tiwary
Principal District Judge, Kishanganj

Chhaya Devi @ Chhaya Saha Applicant

In the matter of
The estate of Late Radhe Lal Sah
S/o- Late Gulabi Lal Sah

And

In the matter of
Last WILL Deed no. 85 dated 29-05-2013 of
Late Radhe Lal Sah, the deceased.

ORDER

23-06-2026

1. This Letter of Administration case was filed on 23-08-2024 . However, it was initially termed as Probate case but in view of correction petition, the amendment was effectuated and the case was termed as Letter of Administration case vide order dated 12-12-2024.
2. The present application u/s 276 of the Indian Succession Act has been filed by the applicant for grant of letter of administration on the basis of the last WILL dated 29-05-2013 executed by Late Radhe Lal Sah in respect of the properties as described in schedule of this application.
3. It is stated in the application that the said Late Radhe Lal Sah during his lifetime executed his WILL and testament on 29-05-2013. It is further stated that on the occasion of Budha Purnima on 23-05-2024 during cleaning of the house and almira the applicant found a registered WILL executed in her favour by Late Radhe Lal Sah. Radhe Lal Sah executed his first and last WILL and testament on 29-05-2013 in presence of the witnesses namely Sudhir Das and Ashok Kumar. The aforesaid WILL was scribed and typed by Deepak computer in presence of witnesses as per instruction and wishes of the executant and scription of the contents of the WILL were read over and explained by the scribe and the testator in the sound state of body and mind without any due pressure put his signature in presence of the witnesses and presented before

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Registering office, Kishanganj and therein registered WILL vide deed no. 85 book no. 3 volume no. 1 page no. 588 to 594 on 29-05-2013. The property mentioned in the WILL was purchased by Radhe Lal Sah through sale deed no. 8352 dated 17-06-1976 and sale deed no. 3847 dated 30-08-1976 total land 2 katha 2 dhur and through the first and last WILL the deceased Radhe Lal Sah had bequeathed the property to the applicant as sole legatee which is fully described at the foot of this plaint. The testator Radhe Lal Sah died on 10-06-2023 leaving his one wife Chhaya Devi (the applicant), one son Ravi Kumar Sah and three daughters namely 1. Sony Baid 2. Pallavi Devi 3. Nitu Saha as legal heirs.

It is further stated that assets of the scheduled property which is likely to come to the hands of the applicant is approximately valued at Rs. 15,00, 000/- (fifteen lac) and the applicant is ready to file the highest amount of stamp of Rs. 30,000/- as mentioned in the court fee Act (Bihar Amendment Act).

4. The applicant has referred the names of the legal heirs in para 6 of the application who are i) Ravi Kumar Sah ii) Sony Baid iii) Pallavi Devi iv) Nitu Saha. It is further stated that the testator Late Radhe Lal Sah died on 10-06-2023.

5. After filing of this probate case, notice was issued to the legal heirs as referred in para 6 of the application and general citation was also issued but no one has filed any objection.

6. Thus, this court has to consider whether the WILL in question claimed to be executed by Late Radhe Lal Sah on 29-05-2013 is valid and genuine.

7. In order to prove his case, the applicant has examined three witnesses. The legal heirs of the deceased who are figured in para 6 of the application have appeared and filed their separate affidavits and have stated therein that they have no objection if letter of administration with respect to the state of testator Late Radhe Lal Sah is granted in favour of the applicant named above. The opposite parties have admitted the execution of the said WILL dated 29-05-2013.

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8. The applicant has produced altogether 3 witnesses as under :

A.W. 1 Chhaya Devi @ Chhaya Saha (Applicant)

A. W. 2 Ashok Kumar

A. W. 3 Sudhir Das

9. A. W. 1 is **Chhaya Devi @ Chhaya Saha (applicant)** who in her evidence has stated that she is the applicant of this probate case and her husband (deceased) died naturally on 10-06-2023. She has stated that on 23-05-2024 on Budh Purnima during course of cleaning almira she got the copy of WILL, which her husband had executed letter of administration in her favour from before. The said original WILL was registered at Kishanganj Sub Registry office vide book no. 3, volume no. 1 page 588 to 594 on 29-05-2013. The said property mentioned in the WILL was purchased by her husband vide deed no. 8352 dated 17-06-1976 and deed no. 3847 dated 30-08-1976 area 2 katha 2 dhur on which house is made and she is living in that house. She further stated that she has three daughters and one son, who all are married and are living separately. She is living in the said property alone.

10. A. W.- 2 **Ashok Kumar**. He has stated in his evidence that the WILL dated 29-05-2013 of deceased Radhe Lal Sah he had signed on it as a witness, which he identify and marked as exhibit – 1. The testator had gone to Kishanganj Sub Registry office with him and executed the WILL property to his wife Chhaya Devi @ Chhaya Saha in his sound state of mind and body to which he identify. The testator had deprived his son Ravi Kumar Saha from the said property by this WILL because his son got married with his choice and was living separately with his wife.

11. A. W.- 3 Sudhir Das. He has stated in his evidence that the WILL dated 29-05-2013 of deceased Radhe Lal Sah he had signed on it as a witness, which he identify and marked as exhibit – 2. The testator had gone to Kishanganj Sub Registry office with him and executed the WILL property his wife Chhaya Devi @ Chhaya Saha in his sound mind and body to which he identify. The testator had deprived his son Ravi Kumar Saha from the said property by this WILL because his son got married with his choice and was living separately with his wife.

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12. From the evidences adduced on behalf of the applicant and the documents exhibited in the present proceeding, this court has no reason to disbelieve the genuineness of the registered WILL in question. Thus, it is testified that the WILL deed bearing no. 85 dated 29-05-2013 has been executed by Late Radhe Lal Sah in favour of the applicant in respect of the scheduled properties.

13. Under these circumstances and evidences discussed above, this court comes to the conclusion that the WILL executed in favour of the applicant is genuine and the applicant is the sole claimant of the properties bequeathed in the WILL by the testator Late Radhe Lal Sah.

ORDER

It is therefore, ordered that the WILL deed bearing no. 85 dated 29-05-2013 executed by the Late Radhe Lal Sah be probated in favour of the applicant. Let the letter of administration be issued in favour of the applicant Chhaya Devi @ Chhaya Saha.

sd/-

Principal District Judge,
Kishanganj