

**IN THE COURT OF BALJINDER PAL, DISTRICT JUDGE-I,
KAIMUR AT BHABUA**

Probate Case No. 23 of 2021

1. Kalawati Devi, W/o Girija Gond

R/o Dumdum, P.O Bhabua, P.S Bhabhua, District Kaimur.

..... **Petitioner**

V/s

1. Aam Janta

2. Bajrangi Gond S/o Girija Gond

3. Ram Bharose Gond S/o Girija Gond

4. Ram Bharat Gond S/o Girija Gond

5. Ram Bali Gond S/o Girija Gond

All R/o Dumdum, P.O Bhabua, P.S Bhabhua, District Kaimur.

..... **Opposite Parties**

Learned Advocate for the Petitioner : Sri Ravi Kant Chaubey, Ld. Advocate.

Learned Advocate for the Opposite Parties : Sri Ravishankar Pandey, Ld. Advocate.

Bhabua dated 01 day of June 2026

Present : Baljinder Pal
District Judge-I
Kaimur, Bhabua.

OR D E R

1. The petition is instituted by filing an application under Section 276 of Indian Succession Act, 1925 attached with sworn declaration of one of the attesting witness, namely, Mahangu Gond, for the grant of Probate on unregistered Will dated 25.04.2002 executed by testator Most. Rajmuna Kuer W/o Late Sri Balrup Gond, died on 16.09.2014, in village Dumdum, PS-Bhbhua, executed in favour of petitioner/applicant above named.
2. The case of the petitioner in brief is that the Most. Rajmuna Kuer was stepmother-in-law of petitioner, died about six years ago at Village Dumdum PS-Bhabhua and before that she had executed her last Will/testament in favor of petitioner Kalawati Devi in the presence of attesting witness Mahangu Gond S/o Late Ramjit Gond of Vill-Kunj, PS-Bhabhua and Shyamnarayan Ram, S/o Dhasrath Ram of Vill-Dumdum. It is claimed in petition that on instruction of Rajmuna Kuer the Will was scribed by Shiv Shankar Prasad and same was read over and explained to her by the scribe and the testator after fully knowing and understanding the contents and imports of the same and finding as per her instructions, had put her L.T.I. or the Will dated 25.04.2002 in the presence of attesting witnesses and was identified by Shyamnarayan Ram who wrote execution portion of the

same in his own pen and writing and also signed the will on the instructions of testator Rajmuna Kuer.

2.1 The value of the property likely to come in the hands of the petitioner as per Schedule “A” of the petition was evaluated about Rs. 60,000/- approximate.

2.2 It is also alleged that after death of Rajmuna Kuer the property vested in the petitioner, who is legal representative and is in exclusive possession and ownership.

2.3 It is also alleged that the property subject-matter of the Will is situated in Vill-Dumdum, PS-Bhabhua, Dist. Kaimur, with in jurisdiction of this court.

2.4 It is also submitted that as per genealogical table appended at the foot of the petition, the testator had four sons, namely, Balrup Gond, Gaya Gond, Subhag Gond and Sri Kishun Gond out of whom Subhag Gond was bachelor and Sri Kishun was issueless and the petitioner only had rendered all the possible services to Rajmuna Kuer and, therefore, she had not made any gift or Will or any type of testamentary disposition to any other person in respect of property as detailed under Schedule “A” and it is also alleged that no petition for probate/letter of Administration was filed in respect of Schedule property prior to this petition.

3. After admission of the petition the court fee was deposited by the petitioner vide Chalan no. 256/03.08.2022 amounting to rupees 3,792/- and the case was transferred to the court on 10.08.2022 by the order of Ld. District Judge, for disposal.

4. The notice was issued to opposite parties on 22.09.2022 through Nazarat and service was confirmed vide order dated 18.11.2022 and the opposite parties appeared on 05.09.2022 through Ld. Advocate Sri Ravi Shankar Pandey but not filed any objection or caveat.

5. The schedule of the properties is as follows:-

Schedule-Ka			
Mouza Dumdum, P.S Bhabua			
Thana	Khata No.	Plot No.	Area(A-D)
Bhabua	88	436	0.02
		450	0.04
		Total	0.06

6. Petitioner in order to prove the case, produced the following oral and documentary evidences:-

A. Oral Evidences:-

AW1- Kalawati Devi (petitioner)

AW2- Mahangu Gond (Attesting witness)

AW3- Shyamnarayan Ram (Attesting witness & identifier)

AW-4 Shivshankar Prasad (Scribe)

AW-5 Abhishek Kumar Jaisawal (To prove the death certificate issued by the then Mukhiya namely Prem Chand Jaisawal)

B. Documentary Evidences:-

Exhibit No. 1 – L.T.I of testator on Will dated 25.04.2002

Exhibit No. 2 – Signature of attesting witness Mahangu Gond on second page of Will

Exhibit No. 3 – Signature of Shyamnarayan Ram on the second page of the Will (that is second attesting witness and identifier)

Exhibit No. 4 – Identification and endorsement regarding understanding of the Will by the testator in presence of identifier Shymnarayan, who endorsed the Will.

Exhibit No. 4/1- Identification by Shyamanaran Ram on the page no. 2 of the Will.

Exhibit No. 4/2- Identification by Shyamanaran Ram on the page no. 3 of the Will.

Exhibit No. 5/1/PW 4- Document of Will in three pages

Exhibit No. 5/2/PW 4- Endorsement and signature of scribe Shivshankar Prasad on page no. 3.

Exhibit No. P6/PW 5- Death certificate issued by mukhiya Premchand Jaisawal of Vill-Dumdum

Exhibit No. P7- Death certificate issued by Registrar death & birth, discloses date of death of Rajmuna Kuer on 16.09.2014.

Exhibit No. 8- Original copy of Chakbandi khatian.

7. Oral Evidences

(i) AW1 Kalawati Devi, reiterated the contents of the petition and deposed that Rajmuna Kuer was her mother-in-law, died six years ago in Vill-Dumdum. She used to serve Rajmuna Devi and out of pleasure from the services rendered by the petitioner, Rajmuna Devi executed Will on 25.04.2002 regarding six decimal of land in presence of attesting witnesses and the Will executed by Rajmuna Kuer was scribed by Shivshankar Prasad and after hearing and understanding the Will, Rajmuna Kuer had imposed her thumb impression on the Will and on asking of the testator, attesting witnesses Mahangu Gond and Shyamnaran Ram also signed the Will. The testator Rajmuna Kuer was fit in her mind and

body at the time of execution of the Will. The witness identified the thumb impression of Rajmuna Kuer and marked it **Exhibit-1** on the Will. She also deposed that Rajmuna Kuer was issueless and was sister-in-law (*gotini*) of mother-in-law of the petitioner.

(ii) **AW2 Mahangu Gond** deposed in his sworn affidavit that petitioner is his sister-in-law and on dated 25.04.2002 Rajmuna Kuer had executed a will in favour of petitioner and same was attested by him and he had signed the will. The Will was scribed by scribe Shivshankar Prasad on the direction of Rajmuna Kuer and she after understanding the contents, contents of the Will had imposed her thumb impression. The witness identified his signature on the Will and marked it **Exhibit-2**.

(iii) **AW3 Shyamnarayan Ram** in his sworn affidavit has also deposed similar facts that Rajmuna Kuer had executed the Will from 25.04.2002 in his presence and he had signed the will on asking of the testator and had also identified the testator by his endorsement of writing, is marked as **Exhibit-4**. At the time of execution of the Will, the testator was in fit state of mind and quite physically healthy. The witness has also identified his signature on Will as **Exhibit- P3** and writing of endorsements **Exhibit-P4, P4/1 and 4/2** on page no. 1, 2 and 3 respectively. The witness also deposed that Rajmuna Kuer had imposed her thumb impression on all the three pages of the Will.

(iv) **AW4 Shivshankar Prasad** deposed in his sworn affidavit tendered in evidence that the petitioner is resident of his neighboring village. He had scribed a Will on 25.04.2002 on the direction of Rajmuna Kuer, mother-in-law of petitioner. The Will was read over to Rajmuna Kuer and she had imposed her thumb after understanding the imports/contents of the Will. The witness also deposed that attesting witnesses Mahangu Gond and Shymanarayan Ram had signed the their signature on direction of Rajmuna Kuer. And Rajmuna Kuer was in fit state of mind and health at the time of execution of the Will. The witness identified the writing of the Will being, scribed by him, in three pages and marked the entire document **Exhibit P1/PW4** and **Exhibit 5-1/PW4** and his signature on the Will as **Exhibit 5/2/PW4**.

(v) **AW5 Abhishek Kumar Jaisawal** has deposed in his sworn affidavit that Most. Rajmuna Kumar, W/o Late Balrup Kuer was known to him, she died about ten years ago and his father, namely, Late Premchand Jaisawal remained mukhia of gram panchayat Dumdum from 2016-2021 and has died on 03.07.2021. Death Certificate of Rajmuna Kuer was issued by his father in the capacity of mukhia of the village panchayat and he identified the handwriting and signature of his father on death certificate on letter of the panchayat, issued by his father, marked **Exhibit-6/PW5**.

CONCLUSIONS

8. The execution of the Will in question dated 25.04.2022 is proved by the evidence of AW2, AW3 and AW4 in the capacity of attesting witnesses and scribe.

9. From the oral and documentary evidence discussed above, the court has no suspicion regarding last Will and genuineness of the unregistered Will dated 25.04.2002, executed by the testator Most. Rajmuna Kuer W/o Late Sri Balrup Gond Singh in favour of applicant/petitioner Kalawati Devi and the claim of the petitioner is fit to be probated as it is proved on record that Will in question was last testament of testator, executed by her in fit state of mind and health. The Khatiyani of scheduled 'A' property available on record i.e., Ext.8, discloses the ownership of the property in the name of the Balrup, Gaya and Kishu S/o Ramsarup. The genealogical table gives the legal heirs of the Ram Sarup and as per genealogical table filed with petitioner, Rajmuna Kunwar was the only legal heir of Balrup Gond and he disposed property in favour of Kalawati Devi through will dated 25.04.2002.

Name of the opposite parties have opposed the claim of the petitioner and even not disputed the will in question. Accordingly, It is

ORDERED

that this application for grant of probate of the unregistered Will dated 25.04.2002 in respect of the property mentioned in the deed of Will and Schedule 'A' at the foot of the probate petition in favour of applicant is allowed. Let a probate certificate be issued in favour of the petitioner Kalawati Devi. Accordingly, Nazir, Civil Court, Bhabua is directed to grant withdrawal of amount of probate duty fee amounting of Rs. 3,792/- which has been deposited by the petitioner vide challan no. 256 dated 03.08.2022, for the purpose of purchase of stamp paper for preparation of probate certificate, in consultation with the accountant. Let a copy of judgment be sent to Nazir for needful. One attested copy of probate certificate be retained on record. The record be consigned to record room after due compliance as per rules.

Dictated and corrected by me.

(Baljinder Pal)

sd/-

District Judge-I
Kaimur at Bhabua.
Dated 01.06.2026

(Baljinder Pal)

sd/-

District Judge-I
Kaimur at Bhabua.
Dated 01.06.2026