

COURT OF PRINCIPAL SESSIONS JUDGE NALANDA, AT BIHARSHARIF
Probate Case No.39/2018

Smt. Rekha KumariApplicant

Versus

Kamla Devi & Others.....Opposite parties

05.03.2025

Heard learned counsel for the applicant.

The applicant, namely, Srimati Rekha Kumari has filed an application under Section 276 of the Indian Succession Act, 1925 praying therein for probate of the Will of Late Chandeshwar Prasad. The following admission of this application notices were issued and thereafter evidence were also adduced on behalf of the applicant, Smt. Rekha Kumari as well as on behalf of the opposite parties/respondent nos.2, Kamla Devi, 3. Sudamiya Devi, 4. Taramani Devi and 5. Lalita Devi.

From the case records it appears that oral and documentary evidence have been adduced on behalf of Smt. Rekha Kumari and after closure of the evidence of the applicant the respondent nos. 2 to 5 also adduced oral evidence. From the order-sheets it appears that for the last more than a year the opposite parties/respondent nos. 2 to 5 are seeking adjournments for adducing further evidence in this case. From the order-sheet dated 04.12.2024 a last chance was given to the O.P. Nos. 2 to 5 to adduce evidence and again on 28.01.2025, despite repeated calls, the O.P. Nos. 3 to 5 remained unrepresented even today a petition has been filed on behalf of the O.P. Nos. 3 to 5 seeking adjournment in this case on behalf of adducing evidence. From the order-sheets for the last several dates spanning a period of one year several opportunities have been given to the O.P. Nos. 2 to 5 to adduce evidence but the same has not been done on behalf of the O.P. Nos. 2 to 5 and as a result the disposal of this application for probate of Will is getting delayed. On such grounds in order to ensure expeditious disposal of this probate case consistent with

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the rights of the applicant, this Court is inclined to pass an order for closing the evidence of O.P. Nos. 2 to 5.

The applicant is directed to advance his arguments from the next date fixed.

Put up this matter on 17.03.2025.

(Dictated & corrected)

Sd/-

(Amitava Chaudhary)

P. Sessions Judge,

Nalanda, Biharsharif.