

IN THE COURT OF PRINCIPAL DISTRICT JUDGE, SIWAN

Probate Case No. 137/2023

Registration No. 137/2023

- (1) **Durgawati Devi** aged about 63 years W/o Late Jadish Kamkar, resident of village Chittaur, P.S. Andar, District-Siwan..... **Applicant**

Versus

- (1) **Ramadhar Prasad Kamkar** Son of Late Mahatam Prasad, resident of village Chitaur, P.S. Andar, District-Siwan..... **O.P**

For the Applicant : Sri Anil Kumar Tiwari, **Ld. Advocate**

Date of Order : 3rd Day of August, 2026

Present : Motish Kumar Singh

Principal District & Sessions Judge, Siwan

ORDER

1. The applicant Durgawati Devi aged about 63 years W/o Late Jadish Kamkar, has filed this probate case with prayer to granting probate of the Will dated 16-07-2022 executed by Sharda Devi in her favor.
2. The brief fact of the case is that Late Mahatam Prasad was the ancestor of the testator. Late Mahatam Prasad left behind two sons Janardan Prasad Kamkar and Ramadhar Prasad Kamkar, out of them Janardan Prasad Kamkar died issueless leaving his widow wife namely Sharda Devi, after death of Janardar Pd Kamkar, his Wife Sharda devi was legal heir of the ancestral share. The share of the ancestral properties was seperated from the pattidar Ramadhar Prasad Kamkar. It is further asserted that Applicant is sister in relation of Sharda Devi and she was being looked after and served by the applicant, as such Sharda Devi, being pleased with the services of the applicant, executed a registered deed of will on 16-07-2022 in favor of the applicant Durgawati Devi with respect to her share of the

properties. It is further asserted that on 16-07-2022 the testator Sharda Devi was physically and mentally fit. Upon her instructions a deed of Will was prepared by Deoraj Bhakta. After completion of the deed of Will, the scribe read-over the contents of the Will before the testator Sharda Devi and being satisfied with the contents, she put her thumb impression of left hand over the Will. The Will presented before the Sub-registrar, Raghunathpur on 16-07-2022 and got registered at the office of Sub-Registrar Raghunathpur in presence of the witnesses Laxman Sah and Hareram Yadav. The attesting witnesses also put their signatures and admitted the execution of Will. It is further asserted that Sharda Devi (testator) died on 16-09-2023 at her parental house. She left the share of properties (movable and immovable). After death of Sharda Devi (Testator), the applicant was entitled of entire movable and immovable properties of Sharda Devi (testator). It is further asserted that the applicant is desirous of obtaining grant of probate of the said last Will executed on 16-07-2022 by the late Sharda Devi and under seal of this court, the applicant therefore, pray to probate of the last Will and testament dated 16-07-2022 in her favor.

3. After depositing the probate duty, notices through NSTEP and Registered Post were sent to the O.P. In spite of completion of all the formalities of notices, no one has been turned up on behalf of the O.P, therefore, The court has also initiated citations to the state jurisdiction of stakeholders of the deceased. But none of the potential stakeholder who had been served through affixation on the notice board of Gram Panchayat Chittaur, Office of Circle Officer, Andar and its notice board, Gram Chauraha of deceased Chittaur, House of deceased Late Sharda Devi,

Office of the District Magistrate, Siwan and its notice board,
The court of Munsift-II, Siwan had turned-up. Service report
has been submitted by the Nazarat which was found
satisfactory.

4. On the basis of the prayer as sought by the applicant the
following points are to be determined for adjudication.

- I. Whether the deed of Will dated 16-07-2022 was
executed by Sharda Devi?
- II. Whether the applicant has succeeded to prove valid
and proper execution of deed of Will?

5. In order to establish her claim, the applicant examined
altogether three witnesses, who are namely A.W. 1
Durgawati Devi (Applicant), A.W. 2 Hareram Yadav
(Attesting witness) A.W 3 Laxman Sah (Identifier).

6. A.W. 1 (Applicant), filed her examination-in-chief on affidavit
and she fully corroborated her case regarding her claim in
the plaint. She categorically stated that She is sister of the
testator. She further asserted that elder sister (testator) had
no issue either male or female so as result she was looking-
after her sister at their best. Being pleased with her services
rendered, Sharda Devi executed the deed of Will with her
free consent in her favor on 16-07-2022. After death of the
testator she has come in peaceful possession of entire
properties of Will. She performed all the funeral rites of Late
Sharda Devi. *On court question*, She stated that Sharda
devi (testator) was her own sister and she was issueless. She
was physically and mentally fit at the time of execution of
Will.

7. A.W. 2 Hare Ram Yadav is the attesting witness. He also filed
his examination-in-chief on affidavit in which he
categorically supported the version of the applicant. He

further stated that Sharda Devi executed the deed of Will on 16-07-2022, A deed of Will was prepared on the instruction of Late Sharda Devi (testator) by the scribe. After completion of the Will scribe read over the contents of Will and found correct, Sharda Devi put her thumb impression of left hand. He put his signature on it. He proves his signature on the deed of Will as **Ext. 3.**

8. A.W. 3 Laxman Sah who is also the attesting witness. He also filed his examination-in-chief on affidavit in which he categorically supported the version of the applicant. He further stated that applicant is own sister of the testator Sharda Devi. She was looked after by the applicant and as result she was executed the deed of Will on 16-07-2022 in favor of applicant. On Court question, he stated that testator Sharda Devi is belong to his village, at the time of execution of Will, Sharda Devi was physically and mentally fit. He also put his signature on it as identifier. He proves his signature on the deed of Will as **Ext. 2.**

9. Besides oral evidence, following documents filed on behalf of the applicants were exhibited as:

- (a) Ext-1: Original deed of Will.
- (b) Ext-2: Signature of Witness Laxman Sah
- (c) Ext-3: Signature of Witness Hareram Yadav

10. Considering all the facts and circumstances of the case and after analyzing the oral evidence as well as documentary evidences as brought on record by the applicant, this court finds that the applicant has duly proved that the Will was duly and validly executed by Late Sharda Devi without any duress and undue influence in sound mental and physical health. Thus, in view of the aforesaid facts, this court holds that there is no impediments or hindrance in granting probate in favor of the applicant, accordingly present probate case is hereby **allowed.**

The Will dated 16-07-2022 executed in favor of the applicant Durgawati Devi is hereby stand probated.

Office is directed to issue probate certificate to the applicant in prescribed format.

Office is further directed to consign the record of this case after due compliance.

(Dictated)

(Motish Kumar Singh)
Principal District Judge, Siwan
03-08-2026