

IN THE COURT OF DISTRICT DELEGATE
BONGAON, NORTH 24 PARGANAS

Present: Abul Hasan Jamadar (WB 01552)
Misc Case : 32/23

Order No: 17
Dated: 12.08.2026

Today is fixed for argument of the misc case.
Heard Ld. Counsel for the petitioner at length.
Considered the materials on record.

CASE OF THE PETITIONERS

This is an application U/S 276 of Indian Succession Act, 1925 for letter of administration as there is no named executor in the original will.

The case of petitioner in a nutshell is that Late Puspa Rani Kar, wife of Late Jitendra Nath Kar was a permanent resident of village- Pratapgarh, P.S - Bongaon till her last breath. It is the further case of the petitioner that said Puspa Rani Kar breathed her last on 06.03.2011 at her permanent residence which falls within the jurisdiction of this court.

Petitioner next asserted that during her lifetime, Puspa Rani Kar executed and registered a will on 27.04.87 at Bongaon ADSR without appointing any person as executor of the will. Hence, petition is filed for letter of administration.

Accordingly, petitioner has filed this instant petition for letter of administration in respect of the property mentioned in the schedule of the petition. It is the narration of the petitioner that save and apart from this instant petition, they have not filed and /or preferred any other petition for grant of probate or letters of administration or succession certificate before any other forum.

It is the contention of the petitioner that the said will is none but the last will executed by Late Puspa Rani Kar pertaining to the scheduled mentioned property.

EVIDENCE TAKEN

P.W 1 & PW 2 deposed on behalf of petitioner. Both of them were examined and discharged. Following documents are marked as exhibits on deposition of P.W 1:

Exhibit 1	The Original death certificate of Tarun Kanti Kar dated 02.02.2010
Exhibit 2	Original Death certificate of Puspa Rani Kar
Exhibit 3	Original Death certificate of Swapan Kumar Kar dated 31.05.2023
Exhibit 4	Paper publication dated 28.06.2024 in Aajkal Daily
Exhibit 5	Original will
Exhibit 6	Signature of Jitendra, Attesting witness
Exhibit 7	Signature of Puspa Rani on the original will

POINT FOR CONSIDERATION

The point for consideration before this court is whether the petitioners are entitled to obtain probate of the will as sought for?

DECISION WITH REASONS

Exhibit 1 shows that OP Tarun Kanti Kar died on 22.01.10.
Exhibit 2 shows that testator Puspara Rani Kar died on 06.03.11

Exhibit 3 shows that OP Swapan Kumar Kar died on 17.05.23

Exhibit 4 is the compliance of mandatory paper publication in Aajkal Daily Bengali news.

Exhibit 5 is the original will which is produced by PW1 from his custody. PW 2 testified that the original will bears the LTI of **Puspa Rani Kar**. PW2 went on to depose that He knew the testatrix as a neighbour and having seen her putting her LTI on the will. He also had seen Jitendra Nath Kar putting his signature as attesting witness. The signature of Puspa Rani and Jitendra Nath marked as exhibit 7 & 6 respectively. It is also contented that deceased was sound mind at the time of execution of will.

It is discerned from order no 7 dated 17.01.25 that Ops have filed no objection supported by affidavit with power. Today also Satyaki Kar and Swapna Kar appeared and filed no objection supported by affidavit.

On consideration of the above unchallenged oral as well as documentary evidences on record, this court has no hesitation to hold that Late Puspa Rani Kar voluntarily executed the will in favour of the petitioner including beneficiaries and at the time of execution she was sound mind and physically fit. Any suspicious circumstances pertaining to execution is thereby ruled out. The will is legal and valid.

Thus, the petitioner is entitled to get letter of administration.

Court fees are correctly paid.

Hence it is,

ORDERED

that, the instant Misc case 32/2023 be and the same is allowed exparte without any order as to costs.

Let a letter of administration of the will of deceased Puspa Rani Kar be granted in favour of the petitioner along with copy of the will.

The petitioner is directed to deposit requisite stamp papers for preparation of the letter of administration of the said will which will be assessed by the Sherestadar of this court.

The petitioner is directed to file an undertaking in respect of the property to administer the same, and to make a full inventory of the said property and credit and debits and exhibit the same in this Court within six months from the date of grant and also to render to this Court a true account of the said property and credits within one year from the same date as per Sec 317 of Indian Succession Act, 1925.

The will will be kept in sealed envelop and in safe custody.

Thus, the instant mics case is disposed of.

D/A is directed to note in relevant register.

Update CIS

D/C by me

**District Delegate
Bongaon, North 24 Parganas**

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Bongaon, North 24 Parganas**