

Probate Case No. 22 / 2022 (CIS 22 / 2022)

CNR No. WBWM02 0004519- 2022

JO Code : WB00816

Order No. 18 dated 20/11/2024

The record is put up on the prayer of the petitioners.

Petitioners also files affidavit-in-chief of P.W.1, Sri Adiya Kumar Bala @ Aditya Bala and P.W.2, Durga Bala and some documents.

Today is fixed for P. hearing and net copy of valuation report.

No valuation report is filed by the petitioners.

However, P.W.1 Adiya Kumar Bala @ Aditya Bala was examined in full and discharged. Thereafter one witness namely Durga Bala was examined in full and discharged as exparte as P.W.2. Today the following documents are marked as Exhibits.

The original death certificate of Ajit Kumar Bala is marked as **Exbt.-1**, the paper publication is marked as **Exbt.-2**, The original Aadhar Card of P.W.1 is marked as **Exbt.-3**, the Will being No.100100026 of 2015 is marked as **Exbt.-4**, the signature of the witness is marked as **Exbt.-4/1**, and the original Aadhar Card of P.W.2 is marked as **Exbt.-5**.

Ld. Advocate for the petitioners prays for closer of evidence. The prayer is considered and allowed.

Heard the argument on behalf of the petitioners.

The case record is taken up for passing final order.

I have perused the instant case record including the Probate petition, deposition of the petitioners to this instant case and also the exhibited documents.

This instant case arises owing to the death of Ajit Kumar Bala who died on 19.04.2022. He died leaving behind petitioners, namely, Chandipada Bala (son of deceased), Aditya Kumar Bala(son of deceased), Susanta Bala (son of deceased), Chhabi Ghorai (Bala)(daughter of deceased), Kabita Das (Bala)(daughter of deceased), Madhuri Pramanik (Bala)(daughter of deceased), Durga Bala(wife of deceased) and Sabita Pattanayek (Bala)(daughter of deceased). During lifetime of deceased, he made a registered Will. And the petitioners of this case are the executors of the Will. Hence, the petitioners prayed for granting probate for said Will.

On perusal of the evidence of the parties to this case and also on careful scrutiny of the Will in question it appears that the testator Ajit Kumar Bala executed the said Will only in favour of the petitioners as well as the executors.

On behalf of the petitioners, Petitioner No.2 namely, Adiya Kumar Bala @ Aditya Bala himself was examined as P.W.1 and one of the attesting witness of this Will namely, Durga Bala was examined as P.W.2.

On careful scrutiny of the record in the light of above discussion, I am fully satisfied that the petitioners have been able to prove their case to the full satisfaction of this court.

Therefore, on perusal of the entire record, I find that the petitioners have observed all the legal formalities as per direction of this court. There is no impediment to allow the prayer of the petitioners for granting the Probate in their favour.

Hence, it is

ordered

that this instant petition praying for Probate is hereby considered and allowed exparte.

The suit property shall be distributed as per the spirit of the Will which was executed by Ajit Kumar Bala.

The petitioners are directed to pay requisite Court Fees as per law.

The Dealing Assistant is directed to issue the Probate Certificate forthwith on filing the requisite Court Fees.

The petitioners are directed to file the net copy of the valuation report before the issuance of Probate certificate.

Dict. & Corrt. by me

District Delegate,
Paschim Medinipur
J. O. Code WB 00816

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