

IN THE COURT OF DISTRICT JUDGE, PURBA BARDHAMAN

Present: Shri Sujay Sengupta (WB00650),
District Judge, Purba Bardhaman

L.A. (Will) Case No. 11 of 2022
(CNR No. WBBD01-003522-2022)

Sarbani Nandi -:-Versus:- Ashok Kumar Nandi

Order No.22 dated 22.08.2025.

Parties file hazira.

The application of the Objector dated 24.01.2025 is taken up for hearing and order.

Heard.

It is submitted that the death certificate of the testator has not been filed and therefore the present L.A Will Case is not maintainable and is liable to be dismissed.

As per submission of the Ld. Advocate for the petitioner, death certificate is not in his hand at present.

Relying upon the decision AIR 2005 Bombay 48, it is submitted that as per Section 276 of the Indian Successor Act, non-production of death certificate is not fatal.

I have gathered that at the time of evidence, the aforesaid fact should be scrutinized.

On such ground if the suit is dismissed, that should be a miscarriage of justice.

The prayer is thus rejected.

To 13.11.2025 for hearing injunction application.

Dictated & corrected by me

Sd/-

District Judge,
Purba Bardhaman

Sd/-

District Judge,
Purba Bardhaman