

Probate Suit – 07 of 2025
CNR No.WBBK01-001793-2025

Order No. 04

04.09.2025

Today is fixed for hearing of the application under Order 39 rule 1 and 2 read with section 151 CPC.

Ld. Advocate for the petitioners filed hazira.

Ld. Lawyer on behalf of the petitioners filed suit for grant of probate in respect of the Will duly executed by Uma Sashi Dutta who got property by way of sale deed on 06.03.1972 duly registered by ADSR, Indus.

It is also submitted that Will in possession was transferred the schedule property in favour of the petitioners and others two sons namely Rabindranath Dutta and Madanmohan Dutta by executing unregistered Will on 15.06.2010.

It is also submitted that Uma Sashi Dutta died on 08.08.2011.

Now the petitioners has come up before the probate court for grant of probate to prove that Uma Sashi Dutta has executed the Will when she was physically fit and mentally alert.

The petitioners prays for an order of ad interim injunction submitting that the Opposite Parties though having no right, title, interest and possession over the suit property tried to disturb peaceful possession of the petitioners. Therefore, an order ad interim injunction should be passed in respect of the schedule mentioned property restraining the opposite parties.

Ld. Lawyer further submitted that if the said prayer is allowed opposite parties will not suffer any irreparable loss and injury.

Perused the record.

Heard and considered the same.

Issue notice upon the opposite parties asking them to show cause within 15 days as to why injunction petition shall not be allowed till disposal of the suit.

This is probate suit.

So far ad interim injunction is concerned.

I am of the view that there is nothing on record to show there is an element of urgency. Moreover, I felt that opposite parties may be given fair opportunity to place their case, before passing injunction.

The ad interim injunction is refused at this stage.

The original Will is in the custody of Ld. Civil Judge (Jr. Divn), Bishnupur in connection with Probate case 03/2025.

Let the Will be called for.

To **06.11.2025** for S/R, Appearance and original Will and hearing of the injunction petition.

Issue summons upon the opposite parties.

Let a copy of this order be sent to Ld. Civil Judge (Jr. Divn), Bishnupur.

Dictated and corrected by me

Sd/- Mir Rashid Ali

District Judge, Bankura

Sd/- Mir Rashid Ali

District Judge, Bankura