

Probate Suit no. 12/2017
CNR : WBBK01-002981/2017
Present : Sri Manojyoti Bhattacharyya (WB00392)

Order no. 48

05.12.2023

Petitioner is present with Ld. Advocate.

Ld. Advocate for OP Anathbandhu Patra is present.

PW-1 Mritynjoy Patra further examined in part and deferred as per prayer of petitioner.

The certified copy of LR ROR (five sheets) are marked as **Exbt. 2 series**.

The certified copy of registered sale deed no. 4954 of 1981 is marked as **Exbt. 3**.

The certified copy of registered sale deed no. 4975 of 1981 is marked as **Exbt. 4**.

Copy of Khatian no. 5 is marked as **Exbt. 5**.

Certified copy of LR ROR Khatian no. 232 is marked as **Exbt. 6**.

Certified copy of LR ROR Khatian no. 294 is marked as **Exbt. 7**.

Certified copy of information of Haal daag no. 1513 Sabek no. 1599 (four sheets) is marked as **Exbt. 8**.

Certified copy of information of Haal daag no. 1514 Sabek no. 1599 (four sheets) is marked as **Exbt. 9**.

Photo copy of Will dated 23.05.1997 is marked for “Y” for identification.

Ld. Advocate for the petitioner has submitted that on 14.09.2018 a petition was filed for production of original Will against OP no. 5 Sri Pirugopal Patra. Till date no direction has been passed. I have gone through the record I have found the petition was filed on 14.09.2018 but specific direction was passed for production of document against OP no. 5. OP no. 5 has not contested the case. I think the petition should be allowed for proper adjudication.

Hence,

Ordered

The prayer for direction on OP no. 5 to produce the original Will and testament dated 23.05.1997 is allowed.

Issue notice to OP no. 5 for production of original Will, if it is in his custody, within seven days getting the notice otherwise Court shall presume that the Will is in custody of OP no. 5.

Fix **18.01.2024** for S.R. and further order.

Petitioner to file requisite at once.

Dictated & Corrected by

Sd/-

(M. Bhattacharyya)

District & Sessions Judge,
Bankura

Sd/-

(M. Bhattacharyya)

District & Sessions Judge,
Bankura