

Act 39 10 of 2023

Ord No. 13, dated 17.02.2025

Both the parties file hazira.

The petition dated 03/10/2023 is fixed for further hearing and such petition filed by Smt. Minati Ghosh claiming to be the wife of the testator Prithi Sarathi Ghosh is taken up for consideration.

The petitioner Param Sarathi Ghosh and others have raised vehement objection against the prayer for addition of party on the ground that said Minati Ghosh is not the legally married wife of the testator and as such under provisions of the Indian Succession Act she cannot be permitted to participate in the instant litigation.

O.P. Smt. Bandana Ghosh admittedly is the wife of Prithi Sarathi Ghosh is also present and she has opposed the petition for addition of party submitting that the marriage of Bandana Ghosh with Prithi Sarathi Ghosh is still in existence and she is his widow and has proper right to contest the instant case being No. 10/2023.

Upon hearing all sides and upon perusal of the documents it is found that the testator also married or at least lived with Minati Ghosh as husband and wife which is manifested in the death certificate of said Prithi Sarathi Ghosh wherein name of the wife is noted as Minati Ghosh.

The very purpose of the instant litigation is to find out if the Will has been genuinely made or not. Keeping in mind the provisions of the Indian Succession Act, it may be opined that to find out the genuineness of execution of the Will, the legal heirs, near relations, beneficiaries and even the interested parties may be given opportunity to contest and having taken into consideration the facts and circumstances of the present case it may be held that the prayer of the petitioner Smt. Minati Ghosh, who prima-facie appears to have lived in a relationship with the testator, may be given an opportunity to contest for ends of justice.

With that view of the matter the petition for addition of party dated 03/10/2023 is allowed. Accordingly, let the name of Minati Ghosh be included as O.P. and be noted in the title page. Said added party is given an opportunity to file her written objection, if any, by or before the next date.

The petitioner is directed to serve copy of the petition along with relevant papers to the ld. advocate for the added O.P.

Fix **29/04/2025** for filing W.O by the added party.

Dict. & Corrected by me

D.J.

District Judge, Hooghly

