

JO Code No. WB00885
LOA No. 05 of 2017

Order No. 23 Dated 09.02.2023

Today is fixed for P.H and for production of the original will from the custody of Head Clerk, Howrah District Judges' Court.

A report has been received from the Head Clerk, Howrah District Judges' Court stating that no will in connection with the present case has been found in his custody. He has also insinuated that the will in question may be kept in the safe custody of Sheristadar, District Delegate, Howrah.

Perused the same as well as other materials on record.

Considering report by the Head Clerk, Howrah District Judges' Court, the case is adjourned, since trial of the case can not proceed of the will itself.

It appears on further scrutiny of the record that the instant LOA case was filed before the Ld. District Delegate on 23.05.2017. The order dated 15.12.2017 demonstrates that an original will (notarized) dated 12.08.2014, purportedly executed by Padmaja Majee, W/o Late Kanailal Majee was filed on such date and the concerned will was entered in index 'P', page-218 of the relevant register. On 08.01.2019, the OP filed written objection, making the case contentious. Accordingly, the Ld. Court of District Delegate, Howrah prayed before the Ld. District Judge, Howrah for withdrawal the case record. Apparently, the case record was sent to the Ld. District Judge, Howrah without the original will. The present LOA case is pending since the last six years.

Consequently, the Ld. Court of District Delegate Howrah is requested to look into the matter and cause the original will in question to be sent to the Ld. District Judge, Howrah and facilitate progress of trial of this case.

Fix 05.04.2023 for P.H.

Let a copy of this order be sent to the Ld. District Delegate Howrah for his information and necessary action.

Dic. & Corrected by me :

**Additional District Judge,
3rd Court, Howrah.**

ADJ