

Probate case 34 of 2022
WBSPOE0009712022

Order no. 31
Dated 13.01.2026

Today is fixed for steps and clarification.

Petitioner filed hazira. Also filed original documents.

Heard the Ld. Advocate for petitioner.

Record is taken up for passing order.

This is an application U/S 276 of the Indian Succession Act 1925 for grant of Probate Certificate in respect of the last will and testament of Suprava Saha W/O late Naresh Chandra Saha of Nabagram, Garia P.S - Narendrapur, District-South 24 Parganas.

The petitioner case in brief is that the testatrix execute a will on 01.06.2005 and appointed petitioner namely Arati Saha as executors of the will in connection with the schedule property. The testator died on 29.01.2013 leaving behind legal heirs namely Arati Saha, Shyamal Kumar Saha, Alpana Roy, Kalpan Roy and Bandana Roy.

During hearing on behalf of the petitioner Arati Saha is examined as P.W-1 , Dulal Das is examined as P.W-2, and the following documents exhibited on behalf of the petitioner.

1. Aadhar Card of Arati Saha..... -Exhibit 1
2. Death certificate of Suprava Saha- Exhibit 2.
3. Aadhar Card of Dulal Das- Exhibit 3.
4. WILL - Exhibit 4
5. Signature of Suprava Saha- Exhibit 4/1.
6. Signature of attesting witness Dulal Das- Exhibit 4/2.

During hearing on behalf of the opposite party Alpana Roy examined as O.P.W-1 and the following documents exhibited on behalf of the opposite party:-

Adhar Card of Alpana Roy- Exhibit A.

Adhar Card of Alpana Roy- Exhibit B.

Hd. the argument on behalf of the petitioner .

Perused the application for probate , gone through the evidence of P.W 1, P.W-2, O.P.W. and documents exhibited.

Hd. the argument. After considering all , I find that the petitioner has collaborated the facts of the application and the execution of will and the date of testator and also prove his appointment and P.W-2 also corroborate the same.

The documents also proved that at the time of execution of will , the testator was physically and mentally fit to execute the will.

Having considering all , I am of opinion that the factum of voluntarily

execution of the will by the testator by exercising his free will and without undue influence has been proved beyond any doubt and as such the petitioner is entitled to get the probate of the will and the copy annexed as prayed for subject to compliance of the direction contained in section 317 of Indian Succession Act.

Accordingly , the application for probate is succeed.

Hence , it is,

ORDERED ,

that the petitioner get a probate of WILL executed by Suprava Saha on 01.06.2005 with condition to pay highest court fee.

Let the Probate certificate in respect to the WILL be issued in favour of the petitioner in respect of the scheduled property.

Clerk in charge is directed to issue probate certification after observing all the legal formalities.

Inform accordingly.

Dictated & Corrected by me,

Sd/-
District Delegate
Baruipur, South 24 Parganas.

Sd/-
Anamika Sharma.
District Delegate
Baruipur, South 24 Parganas.
J.O. Code WB01411.