

In the Court of District Delegate, Baruipur, South 24-Parganas
Present: Debasmita Kundu
Civil Judge (Jr. Divn.)
J.O. Code: WB1404
Probate 35/2022
CNR No. WBSP0E0010152022

Order no. 28 dated 20.02.2024:

Today is fixed for passing order. Petitioner files hazira.

The case of the petitioner, in brief, is that he has filed this case for granting of Probate of the last Will and testament of deceased Smt. Sadhana Bose (Sanpui), of Maitri 477 Mahamayatala, Jhilpark Road, Police Station: Narendrapur, District- South 24 Parganas, Kolkata- 700084, who died on 17.07.2021, leaving behind her husband Prosenjit Bose and minor daughter Aparajita Bose as her legal heirs.

On scrutiny of the record, it reflects that the said deceased Smt. Sadhana Bose (Sanpui), during her lifetime, has executed her last Will and testament on 05.02.2021 and bequeathed her property to her maternal uncle Sri Dipankar Mondal and appointed Sri Dipankar Mondal as executor.

Under these circumstances, the petitioner is praying for granting of probate of the Will executed by deceased testator, Smt. Sadhana Bose (Sanpui).

The original Will was taken up from safe custody and the envelope was opened in open court in presence of the executor namely Sri Dipankar Mondal as well as her Ld. Advocate and the BC-I.

Notices was issued upon the Opposite party and he had not appeared and the case proceed ex parte against O.P.

Following witnesses have been examined on behalf of the petitioners:

PW-1, Dipankar Mondal

PW-2, Bijoy Turi

Following documents have been marked as exhibits on behalf of the petitioners:

Exhibit 1: Original Aadhaar card of Dipankar Mondal bearing No. 378769276761

Exhibit 2 : Original death certificate of Sadhana Bose (Sanpui).

Exhibit 3: Original AADHAAR card of Bijoy Turi being no. 4581 6235 4763.

Exhibit 4: Last will of deceased Sadhana Bose (Sanpui).

Exhibit 4/1: Signature of Sadhana Bose (Sanpui) over the last Will.

Exhibit 4/2: Signature of Bijoy Turi as a attesting witness of the last will of deceased Sadhana Bose (Sanpui).

Heard Ld. Advocate for the petitioner.

Contd....

Probate 35/2022

CNR No. WBSP0E0010152022

Order no. 28 dated 20.02.2024 (Contd...):

On perusal of the materials on record, the deposition and the exhibits, specifically the Will and the death certificate of Sadhana Bose (Sanpui) (Exbt. - 2), it appears that the deceased testator Sadhana Bose (Sanpui) bequeathed her property to her maternal uncle and created a life interest in favour of her maternal uncle Dipankar Mondal. Considering the aforesaid discussion, it can be concluded that the petitioner have been able to prove his case. As such, the petitioners are entitled to get probate of the will as prayed for by him.

Accordingly, it is,

ORDERED

that let a probate be issued in favour of the petitioner namely Dipankar Mondal in respect of last will Sadhana Bose (Sanpui) dated 05.02.2021 regarding the properties bequeathed by the deceased testator namely Sadhana Bose (Sanpui) after observing necessary formalities prescribed under the law with condition to pay the highest court fee.

Executor to comply Sec 317 (1) of Indian Succession Act within six months from date of this order.

The instant Mis Case stands disposed of.

Dictated and corrected by me.

Sd/-(D. Kundu)
District Delegate
Baruipur, South 24-parganas
20.02.2024

Sd/-(D. Kundu)
District Delegate
Baruipur, South 24-parganas
J.O. Code:- WB01404

OFFICE OF THE CIVIL JUDGE (JR. DIVN.), 2ND COURT, BARUIPUR, SOUTH 24-PARGANAS

No:

Dated:

From,
Smt. Sunita Saha,
Civil Judge (Jr. Divn.) 2nd Court
Baruipur,
South 24-Parganas.

To,
The Ld. Civil Judge (Sr. Divn.) 1st Court
Alipore, South 24-Parganas.

Sir,

With due respect, this is to inform you that a letter was send before you vide letter no. 105 dated 16.08.2012 and you were requested to appoint a Survey Passed Commissioner to perform his commision work in the schedule property in connection with Title Suit No. 143 of 2005 pending in this Court and in continuation with the previous mentioned letter your Learned Court appointed a Survey Passed Commissioner namely Sri Gour Mohan Shaw. But neither he received the Writ as yet nor conducting the Commission work, for that the plaintiffs are suffering.

Therefore, I am request you to appoint a new Survey Passed Commissioner in place of Sri Gour Mohan Shaw.

This is for your kind consideration and necessary action.

With profound regards.

Yours faithfully,

(Smt. Sunita Saha)
Civil Judge (Jr. Divn.) 2nd

Court

Baruipur, South 24-

Parganas.