

O.S. – 17/2019
CIS Registration No. 17/2019
Present : Dhananjay Kumar Singh
J.O. Code – WB01399

Order No. 94, Dated 12.11.2024

Today is the date fixed for hearing of the petition dated 07.03.2024 filed by the petitioner.

Petitioner files hazira.

Opposite party no. 8, 10 & 11 file hazira.

Ld. Advocate for the petitioner is present.

Ld. Advocate for the said Opposite parties is present.

Ld. Advocate for the petitioner has submitted that he files this suit praying for granting probate of the will dated 24.01.2001 executed by Sanatan Biswas, and in that will Nanda Dulal Saha, S/o- Radha Ballav Saha, resident of Sripur School Road, P.S. - Habra, District – North 24 Parganas, PIN – 743263 and Amulya Saha @ Ratneswar Saha, S/o- Narayan Chandra Saha, resident of Nagarthuba, P.S.- Habra, District – North 24 Pgs were attesting witnesses, and both those persons reported died. He further submits, that despite several efforts petitioner is unable to find out the death certificate of those persons from the competent authorities. He prays for summoning the competent authorities with the extracts of records for proving death of those persons, as same are necessary for the proper adjudication of this case.

Ld. Advocate for the said opposite parties has vehemently opposed of the said prayer of the Ld. Advocate for the petitioner, and submitted that petitioner has failed to file any document in support of their contention that they took steps for obtaining the certified copies of the relevant records in respect of the death of those persons, as records of the death are maintained under the registration of birth and death act that is considered as public document.

I have heard the submissions of the Ld. Advocate for the petitioner and Ld. Advocate for the contesting opposite parties and perused the records.

From the records it is revealed that in the subject will dated 24.01.2001 for the probate of the same petitioner has filed this suit, and in that will Nanda Dulal Saha, S/o- Radha Ballav Saha, resident of Sripur School Road, P.S. - Habra, District – North 24 Parganas, PIN – 743263 and Amulya Saha @ Ratneswar Saha, S/o- Narayan Chandra Saha, resident of Nagarthuba, P.S.- Habra, District – North 24 Pgs are the attesting witnesses. In this case, petitioner is claiming that both the attesting witnesses are reported died and as per petitioner first attesting witness

Nanda Dulal Saha, S/o- Radha Ballav Saha, resident of Sripur School Road, P.S. - Habra, District – North 24 Parganas, PIN – 743263 was died on 19.01.2019 at Narayana Multi Specialty Hospital, 28, Jessore Road and in respect of him death certificate being no. WBDR -2019/20005/1/140 dated 22.01.2019 and another attesting witness Amulya Saha @ Ratneswar Saha, S/o- Narayan Chandra Saha, resident of Nagarthuba, P.S.- Habra, District – North 24 Pgs was reported died on 27.12.2005 at R.G. Kar Medical College & Hospital and in respect of him death certificate was issued from Kolkata Municipal Corporation being death certificate registration No. HOSPL/2006/004227 (Old registration no. 5223) dated 23.08.2006.

Considering that for the proper adjudication of this case, it is necessary to call for the records from the concerned, so, Registrar Birth and Death Barasat Municipality, North 24 Parganas is directed to produce the extract of death certificate of Nanda Dulal Saha, S/o- Radha Ballav Saha, resident of Sripur School Road, P.S. - Habra, District – North 24 Parganas, PIN – 743263 who was reported died on 19.01.2019 at Narayana Multi Specialty Hospital, 28, Jessore Road and in respect of him death certificate being no. WBDR -2019/20005/1/140 dated 22.01.2019 was issued.

Registrar Birth and Death Kolkata Municipal Corporation is directed to produce extract of death certificate of Amulya Saha @ Ratneswar Saha, S/o- Narayan Chandra Saha, resident of Nagarthuba, P.S.- Habra, District – North 24 Pgs who was reported died on 27.12.2005 at R.G. Kar Medical College & Hospital and in respect of him death certificate was issued from Kolkata Municipal Corporation being death certificate registration No. HOSPL/2006/004227 (Old registration no. 5223) dated 23.08.2006.

Petitioner will bear the expenses of those witnesses as per the prevailing rules.

Petitioner is directed to file requisites.

With above observations the petition dated 07.03.2024 filed by the petitioner is disposed of.

Fix **20.12.2024** for production of extract of death certificate from Barasat Municipality.

Fix **21.12.2024** for production of extract of death certificate from Kolkata Municipality.

D/C by me.

A.D.J., 1st Court.

Addl. District Judge,
1st Court, Barasat.