

Order dated : 10.06.2026

Today is fixed for order.

Petitioner files hazira.

Record is taken up for passing order.

Perused the case petition, evidence, documents and all other material on records.

It appears from the record that the petitioner filed this case on 09.11.2022 under the Indian Succession Act, XXXIX of 1925 praying for probate in respect of the last Will of the deceased Rakhal Chandra Dutta. The case of the petitioner in brief, is that, the petitioner, Sri Santanu Dutta, son of Sachindra Chandra Datta being one of the executors of the Will of deceased Rakhal Chandra Dutta filed this case on 09.11.2022 under the Indian Succession Act, XXXIX of 1925 praying for granting of probate of the assets mentioned in the last Will & Testament of deceased Rakhal Chandra Dutta. In this case the petitioner is one of the executors of the WILL of deceased Rakhal Chandra Dutta, who died on 14.01.2017 leaving behind him the following legal heir :-

1. Sri Suranjan Dutta(brother)

The petitioner in order to prove his case has examined the following witnesses:-

Sri Santanu Dutta

PW 1/ petitioner

Bidita Bhattacharya

PW2/ Attesting witness

The following documents have been marked as Exhibits on behalf of the petitioner :-

- Ext. 1: Original Aadhar Card and self attested copy of the same of PW 1.
- Ext. 2 series : Death certificates of Rakhal Chandra Dutta, Mukul Manjari Dutta, Sudhir Chandra Dutta.
- Ext. 3: Paper Publication in “Bartaman” dated 19.08.2025.
- Ext. 4: Original Aadhar Card and self attested copy of the same of PW 2.
- Ext. 5: The original will.
- Ext. 5/1: Signature of Attesting witness in the Will.

I have carefully gone through the evidence of the witnesses and all the documents. From Exbt. 02 series, i.e, the death certificates of deceased Rakhal

Probate Case no.88/2022(C.N.R No.WBSP080006272022)

Chandra Dutta, Mukul Manjari Dutta, Sudhir Chandra Dutta, it appears that they passed away on 14.01.2017, 06.06.2009 and 16.12.1996 respectively. PW1 is the petitioner of this case. PW1 deposed as to the facts of the case and proved some documents. I have carefully gone through the evidence of PW1 and it appears that his evidence fully corroborates with the contents of the case petition. P.W 2 is the attesting witness of the Will of the deceased testator Rakhil Chandra Dutta. She has stated in her evidence that she was an attesting witness of the Will of the deceased testator Rakhil Chandra Dutta. She identified her signature in the Will of the deceased testator Rakhil Chandra Dutta and also stated that she also witnessed the testator Rakhil Chandra Dutta to put his signature in his Will at his own will. PW2 affirmed that at the time of execution of the Will the deceased testator was physically fit and mentally sound.

From the Will it appears that the testator bequeathed his property in favour of the beneficiary and appointed the petitioner as one of the executors of the Will. It appears from the case record that the deceased testator used to reside within the jurisdiction of this Court at the time of his death. From the case record it appears that in spite of paper publication, no objection has been received from any end regarding the present case.

Considering the entire aspects I am inclined to hold that the petitioner has been able to prove his case and is entitled to get an order for issuance of probate in respect of the Will left by deceased Rakhil Chandra Dutta.

Hence, it is,

O R D E R E D

that the **Probate Case no. 88/2022** be and the same is allowed exparte. Let the probate in respect of the Will of deceased Rakhil Chandra Dutta, be granted in favour of the petitioner Sri Santanu Dutta son of Sachindra Chandra Datta observing all other legal formalities.

Let the original Will be sent to the sherestadar for keeping the same in safe custody.

Let the case record be sent to the sherestadar for assessment of Court fees.

To **01.07.2026** for report of sherestadar.

Dictd. & Cortd. by me,

District Delegate,

Sealdah

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District Delegate

Sealdah

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