

Original Suit No: 01 of 2022

(CIS No.01/2022)

CNR No.WBSP01000071-2022

Present: Subhra Som Ghosal [J.O Code: WB00984

Order no.09 dated: 16.01.2024

The plaintiff as well as the respondent in order to mark their presence before this court have filed their respective haziras through their respective Ld advocates.

As stipulated by the previous order today is fixed for framing of issues. On query by this court, it is found that no element of settlement is found to be acceptable by the parties. Thus at this stage section 89 of the CPC read with Civil Procedure Alternative Dispute Resolution Rules, 2006 could not be invoked.

Hence, the record is taken up for framing of issues. The pleadings as filed by both parties to this litigation are meticulously scrutinized in juxtaposition with the documents relied.

Heard both the Ld. Lawyers for the plaintiff and the respondent.

In order to sum up the points of controversies between the parties and fix the fact in issue, as well as to fulfill the requirement of law, issues are framed in a separate sheet and kept with the record. 07 (seven) no of issues are framed. To avoid any future complication the issues framed today are reproduced herein below:

1. Is the suit maintainable in its present form and in law?
2. Whether the suit is barred by limitation?
3. Whether the WILL dated 10-06-2018 propounded by the last WILL of deceased Mili Ghosh is genuine and legally valid?
4. Whether the suit WILL was obtained by coercion and exerting undue influence as pleaded by the respondent?
5. Whether the document filed by the respondent is the Last WILL / Codicil of the testator?
6. Whether the plaintiff is entitled to the Probate and / or Letter of Administration as prayed for in this suit?
7. To what other reliefs the parties are entitled?

Let the trial of this case be commenced. Plaintiff is to come ready with his evidence on the date fixed.

Fix **02-03-2024** for P. hearing.

Typed and printed by me;
Sd/- Subhra Som Ghosal
Additional District Judge
1st Court, Alipore

Sd/- Subhra Som Ghosal
Additional District Judge
1st Court, Alipore