

Order No.55, Dated 14.07.2026.

Today is fixed for passing order of the case.

Plaintiff/petitioner files *hajirah*.

Heard. Considered.

Now, the record is taken up for passing order.

In this case the plaintiff prays for grant of Letter of Administration of the last Will and testament of deceased Sambhu Nath Pal (hereinafter simply referred to as the testator).

Originally the application was submitted before the Court of Ld. District Delegate, Sealdah on 16.08.2018 and Ld. District Delegate, Sealdah vide Order dated 21.08.2018 has transmitted the case record before Ld. Additional District Judge, 1st Court, Sealdah by holding the subject matter being contentious. The testator breathed his last on 15.08.2017 at a place within the jurisdiction of this court having his last residence therein and Exhibit – 2 bears testimony to such fact.

It has been specified in the petition that the writing annexed is the last Will and testament of the testator and the mother of the plaintiff namely, Manju Paul and Smt. Indrani Sinha, the daughter of the testator were appointed as joint executrixes of the said Will. Unfortunately, Manju Paul died and during her lifetime she did not initiate any proceedings for grant of Probate of the Will left by deceased/testator either jointly or severally. The other executrix Indrani Sinha is reluctant to obtain Probate of the last testament Will of the testator. Thus, the plaintiff being the sole beneficiary of the Will dated 11.07.1991 has instituted this suit for obtaining Letters of Administration in his favour. It has been also averred that the testator died leaving behind his next kins named in paragraph 03 of the petition.

Amount of assets which are likely to come to petitioner's hand has been tentatively valued as morefully described in the schedule of the petition and the same has been described swearing Affidavit. Ld. Advocate on behalf of the plaintiff in course of his argument has referred the following decisions as reported in:-

- 1> **2025 (4) ICC Cal 622;**
- 2> **2022 (3) ICC 15 (SC)** and
- 3> **2026 ICC Cal 693.**

Petitioner has been examined as PW-1. One attesting witness namely, Chandrani Bose, the sister of the plaintiff has also been examined as witness and has adduced evidence as PW-2. The said attesting witness has stated that the testator duly executed the Will and she also put her signature thereon as attesting witness. The Will is marked Exhibit.5 (as per provisions of Sec.63 of the Indian Succession Act, read with Sec.68 of the Indian Evidence Act).

Contd.....Order No.55, Dated 14.07.2026.

It is well settled legal position that once propounder discharges onus of proving due execution of Will, burden to proof fraud, coercion or other similar circumstances ceased to objectors.

According to Section 266 of Indian Succession Act, 1925 the District Judge shall have the power and authority in relation to the granting of Probate and Letters of Administration and all matters connected their Will, as are by law vested in him in relation to any Civil Suit or proceeding pending in the Court.

It is evident from Exhibit-3 that the deceased ordinarily resided at the time of his death within the jurisdiction of this court and as such this court assumes jurisdiction.

It is apparent from the Exhibit-5 that the will in question was executed by the deceased. Plaintiff has clarified his status as the beneficiary of the will as can be gathered from the same by way of necessary implication. Nothing can be gathered from the materials lying in the record that the petitioner is disqualified to obtain the grant of Letter of Administration.

All the properties left by the testator lie within the jurisdiction of this court.

In the given circumstances, I have no hesitation to hold that an order for the grant of Letter of Administration should be issued in favour of the plaintiff. All the moreso, when the testator has reportedly died making the bequest as is evident from Exhibit-5.

Hence, it is,

ORDERED

That the instant other suit is allowed, exparte, without any order as to costs.

Issue Letter of Administration in favour of plaintiff, viz. Somnath Paul, of the last Will and testament of Late Sambhu Nath Paul, as per the schedule of the property annexed with the petition, under the seal of this court in the form set forth in schedule VI of the Act, upon submission of requisite court fees payable on the valuation of the property as cited by the petitioner.

D/C by me,

ADJ, FTC-2, Sealdah.

ADJ, FTC-2, Sealdah.
J.O Code WB01015