

J. Misc. Probate 16 of 2022
(CIS reg-03/22)

Order no.7 dated 26.04.2023

Today has been fixed for hearing on the ground of maintainability.

Plaintiff is present by filing hazira.

The instant case was fixed for hearing on the maintainability ground due to the fact that the petitioner filed only the certified copy of the registered Will and not the original Will when clarification has been sought for from the petitioner then Ld. Advocate for the petitioner referred Sections 237/238/239 of Indian Succession Act, 1925 wherein the statute prescribed granting of probate in limited duration in case of certain contingencies for example: lost, destruction and refusal to produce the Will etc.

Perused the provision. Heard submission of the Ld. Advocate.

It is pertinent to mention here that the provisions as referred by the Ld. Advocate prescribed the granting of Probate in case of occurrence of some inevitable incidents but in the instant case there is no whispering in anywhere in the Probate application or by separate petition that what is the reason behind which caused the filing of certified copy instead of the original Will .

Under the above circumstances, the petitioner is directed to file necessary clarification so as to consider her application within the pervue of Sections 237/238/239 of Indian Succession Act.

To 18/07/2023 for necessary steps by the petitioners.

D/C by me,

S/d- Sri Kishor Kumar Chakraborty
Civil Judge (Jr. Division)
Garhbeta, Paschim Medinipur
J.O. Code- WB01413

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