



| Date of application for the copy. | Date fixed for notifying the requisite number of stamps and folios. | Date of delivery of the requisite stamps and folios. | Date on which the copy was ready for delivery. | Date of making over the copy to the applicant. |
|-----------------------------------|---------------------------------------------------------------------|------------------------------------------------------|------------------------------------------------|------------------------------------------------|
| 4/5/72                            | 8/5/72                                                              | 8/5/72                                               | 10/5/72                                        | 10/5/72                                        |

F3389

(3)

District 24-Parganas.

In the 3rd Court of the Sub-Judge

at Alipore.

Present :- Sri N.C. Bose, Sub-Judge.

O.S. No. 3 of 1939.

Kalidas Roy Choudhury & ors.

Vs.

Bepin Behari Sarkar & ors.

Extract from order sheet. Order no. 19. dt. 2.8.39.

The defendants have already withdrawn their objections by petitions. The suit is taken up for ex parte trial

P.W. 1 Phanindra Lal Chatterjee P.W. 2 Atul Krishna

Halder and P.W. 3 Kali Das Roy Choudhury are examined.

Documents proved and marked exts. 1, 2 and 2(a) for the plaintiff.

Case proved ex parte. The suit is decreed ex parte with costs. Let probate with copy of the will and codicils be granted. Pleader fee Rs. 30/-.

Sd/- N.C. Bose.  
Sub-Judge.

Typed by : B.D.A.S.  
9.5.72.

JUDGES COPYING SECTION

District 24-1872

In the 3rd Court of the Sub-Judge

at Alipore.

**COST OF COURT FEES**

|              |       |          |
|--------------|-------|----------|
| Polter & ... | Rs. 1 | Paisa 10 |
| Application  | Rs. 1 | Paisa 10 |
| Duty         | Rs. 1 | Paisa 10 |
| Ex. Fee      | Rs. 1 | Paisa 10 |
| Total Rs.    | Rs. 4 | Paisa 40 |

10-07  
1952



Jugal Kishore Singh  
1952  
Comparing Clerk  
District Judge's Court

CERTIFIED TO BE TRUE COPY  
 Translator, District Judge's Court, Alipore  
 Head Comparing Clerk  
 Attested under Section 26 of Act 1 of 1952



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|-----------------------------------|---------------------------------------------------------------------|------------------------------------------------------|------------------------------------------------|------------------------------------------------|
| 4/5/38                            | 5/5/38                                                              | 5/5/38                                               | 10/5/38                                        | 10/5/38                                        |

3389

Seal of the Court of the District & Sessions Judge's  
 at Alipore. Filed on 30th. Nov. 1938. 24-Barganas.

Act 69 Case No. 60/38.  
 In the Court of the District  
 Delegate, 24-Barganas, Alipur.

In the Goods of Mahendra nath Sircar.

Application for Probate Under section 276 of the  
 Indian Succession Act (Act 39 of 1935).,  
 O.S. No. 80 of 1938.

The humble petition of (1) Kalidas Roy Choudhury son of  
 Dr. Y.N. Roy Choudhury at present residing at 1/2B, Hazra  
 Road (2) Manada Mayee Dassi widow of Mahendra nath Sir-  
 car above-named residing at 90A, Rash Behari Avenue, P.S  
 Tollygunge (3) Narendra nath Polley son of late Babu

*Handwritten notes:*  
 5/5/38  
 3/2/38  
 Self Kalidas Roy Choudhury  
 203 papers 325/-  
 Self Narendra nath Polley  
 Self Shyamsunder  
 16.8.38





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|                                   |                                                                     |                                                      |                                                |                                                |

-2-

Babu Hira Lail Polley by caste Bahiyas residing at 587 Circular Road, (Batter) Howrah. Executors appointed by the above-named Mahendra Nath Sircar deceased by his last will.

Most respectfully sheweth :-

1. . . That the testator abovernamed Mahendra Nath Sircar died on 7th of July 1938 at his permanent residence 90A, Rah Behari Avenue, P.S. Tollygunge (formerly known as 121/7 Dhakuria Road and then 121/7C, Lake Road) within the jurisdiction of your Honour's Court. (pages no.2)
2. . . That the said testator duly executed a Will on the 28th of July 1930 and had it registered on 27th of November 1930. That he duly executed a codicil to the said will on 4th of December 1932. He also duly executed another codicil to the said will on 25th. of February 1936.
3. . . That the aforesaid Will was his last Will and the -se are his last codicils to the said Will.
4. . . That the said Will and codicils are annexed herewith.
5. . . That the applicants before your Honour are execut -ore named under the Will.
6. . . The approximate assets that are likely to come in the hands of the executors after deducting all items that under the law they are entitled to





|                                   |                                                                     |                                                      |                                                |                                                |
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-3-

that under the law they are entitled to deduct would approximately amount to Rs. 27,319.10.7 his and they have been set forth in detail in the annexed affidavit.

2. . . . That the name of the legatees under the will and that of the near relations of the deceased are given below with their present addresses. (Page no. 3)

Legatees under the will:

| Names.                                          | Address.                                                    | Relationship with the Testator.           |
|-------------------------------------------------|-------------------------------------------------------------|-------------------------------------------|
| 1. Pulin Behari Goswami.                        | 1, Sil Lane.<br>P. S. & P. O. Entally.                      | Gurudev.                                  |
| 2. Phakir chandra Chakraborti.                  | 54, Tollygunge Road. P. S. Tollygunge. P. O. Kali-ghat.     | Purehit.                                  |
| Hemangini Dasi                                  | Dead, Vide 1st. Codicil 1st. wife's sister.                 | 1st. wife's sister no citation necessary. |
| Charu Bala Dassi. Disinherited by last codicil. | 11, Rajani Bhattacharjee lane, Kalighat.                    | Daughter no citation necessary.           |
| 3. Jnanda Dasi.                                 | 90A, Rash Behari Avenue. P. S. Tollygunge. P. O. Kali-ghat. | 2nd wife's sister.                        |
| 4. Manada Mayee Dasi.                           | wife one of the executors applicant.                        | No citation necessary.                    |
| 5. Pramila Bala Dasi.                           | 90A, Rash Behari Avenue, also attended during last illness. | Brother's granddaughter.                  |





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-4-

- (a) Tulsi Charan Sarkar. 90A, Rash Behari Avenue, attended during the last illness. Brother's grand-sons.
- (b) Murari Mohan Sarkar.

(pages no. 4)

List of near relations of the deceased.

| Names.                   | Address.                         | Relationship with the Testator. |
|--------------------------|----------------------------------|---------------------------------|
| 1. Bepin Behari Sarkar.  | 92, Rash Behari Avenue.          | All brother's sons.             |
| 2. Binod Behari Sarkar.  | 10, Tare Road. P. S. Tollygunge. |                                 |
| 3. Bijoy Krishna Sarkar. | Do.                              |                                 |
| 4. Birej Krishna Sarkar. | Do.                              |                                 |
| 5. Siva Sambhu Sarkar.   | Do.                              |                                 |
| 6. Shyam Lal Sarkar.     | 94, Rash Behari Avenue.          |                                 |
| 7. Phani Lal Sarkar.     | Do.                              | Sister's sons                   |
| 8. Nripendre nath Das.   | 15A, Tare Road.                  |                                 |
| 9. Narasinha Das.        | Do.                              |                                 |

(pages no. 5)

8. . . That a court fee of Rs. - is being filed as the duty payable on the assets.

9. . . That all the executors have joined in the petition.

Your petitioners pray that the Probate be granted to them. And your petitioner as in duty bound shall ever pray.

Typed by B. DAS.  
9.5.72

(a) Total division  
 (b) District  
 (c) District  
 (d) District  
 (e) District  
 (f) District  
 (g) District  
 (h) District  
 (i) District  
 (j) District  
 (k) District  
 (l) District  
 (m) District  
 (n) District  
 (o) District  
 (p) District  
 (q) District  
 (r) District  
 (s) District  
 (t) District  
 (u) District  
 (v) District  
 (w) District  
 (x) District  
 (y) District  
 (z) District

List of near relations of the deceased.

| Name.             | Address.                     | Relationship to the Testator. |
|-------------------|------------------------------|-------------------------------|
| 1. Bejo Bejo Bejo | 22, East Street, Singapore.  |                               |
| 2. Bejo Bejo Bejo | 10, East Street, Singapore.  |                               |
| 3. Bejo Bejo Bejo | Do.                          |                               |
| 4. Bejo Bejo Bejo | Do.                          |                               |
| 5. Bejo Bejo Bejo | Do.                          |                               |
| 6. Bejo Bejo Bejo | 24, East Street, Singapore.  |                               |
| 7. Bejo Bejo Bejo | Do.                          |                               |
| 8. Bejo Bejo Bejo | 124, East Street, Singapore. |                               |
| 9. Bejo Bejo Bejo | Do.                          |                               |



(Page no. 5)  
 6. That a court fee of Rs. - is being filed as the  
 duty payable on the writ.  
 7. That all the exponents have joined in the petition.  
 8. Your petitioners pray that the writs be granted to  
 them. And your petitioners as in duty bound shall ever  
 pray.



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(pages no. 6)

Declarations.

Re: Will dated 28.7.30.

I, Krishna Pada Banerjee, Pleader, Alipore one of the witnesses to the last will and testament dated 28th July 1930 of the testator mentioned in the above petition, declare that I was present and saw the said testator affix his thumb impression thereto.

Sd/- Krishna pada Banerjee.

Re: Codicil dated 4.12.32.

I, Atul Krishna Halder a pleader's clerk, Alipore one of the witnesses to the codicil dated 4th. December 1932 mentioned in the above petition, declare that I was present and saw the said testator affix his thumb impression and signature thereto.

Sd/ Atul Krishna Halder.

Re: Codicil dated 25.2.36.

I, Yogendra nath Roy Choudhury, one of the witnesses to the codicil dated 25th February 1936 mentioned in the above petition, declare that I was present and saw the said testator affix his thumb impression and his signature thereto.

Sd/ Yogendra nath Roy Choudhury.

Verification.

I, Narendra nath Polley one of the petitioner in the above petition, declare that what is stated therein is

JUDGES OBTAINING SERVICE

(Page no. 6)

Deceased's name.

is: all dated 22.7.30.

L. Krishna Reddy Manager, Member, Alipore one

of the witnesses to the last will and testament

dated 22nd July 1930 of the testator mentioned in

the above petition, declare that I was present and saw

the said testator at the time of his testamentary

Mr. Krishna Reddy Manager.

is: Codioli dated 2.12.32.

L. Krishna Reddy a member's clerk, Alipore one

of the witnesses to the codicil dated 2nd December 1932

mentioned in the above petition, declare that I was

present at the time of the testator at the time of his

testamentary

Mr. Krishna Reddy

is: 2.12.32.

L. Yogananda Nath for Choudhury, one of the witnesses to

the codicil dated 2nd February 1933 mentioned in the

above petition, declare that I was present and saw the

said testator at the time of his testamentary

will.

Mr. Yogananda Nath for Choudhury.

Verification.

L. Yogananda Nath for Choudhury one of the petitioners in the

above petition, declare that what is stated therein is



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40P.

भारत  
FORTY PAISE

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-5-

is true to the best of my information and belief.

Signe this verification at my pleader's residence to day at 8 A.M. dt. 16th July 1938.

Sd/- Narendranath Polley.

Encl :-

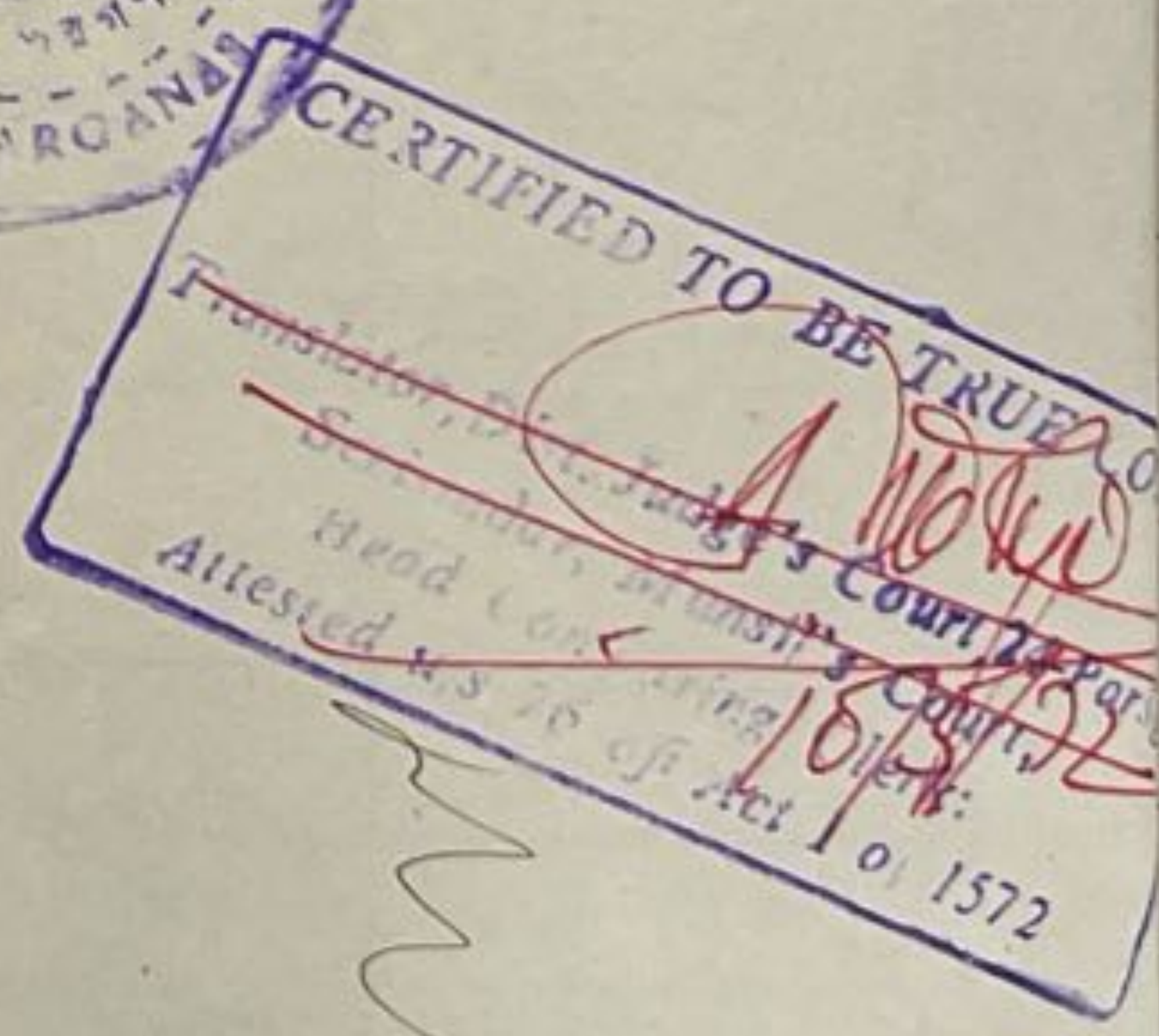
1. Will dated 28.7.30 - pages 1-9.
2. Codicil dated 4.12.32 pages 1-4.
3. Codicil dated 25.2.36 pages 1-4.

Typed by s B. DAS  
9.5.72.

is true to the best of my information and belief.  
at the late residence of my brother's residence to  
day at 8 A.M. dt. 10th July 1972.  
Sd/- Narayana Nath Puri

Page 1-

- 1. Will dated 28.7.30 - pages 1-2.
- 2. Codicil dated 4.12.32 pages 1-4.
- 3. Codicil dated 20.2.36 pages 1-4.



and found to be a true  
copy and correctly stamped.  
Jugal Vishnu Hazra  
10/5/72  
Alipore: Competing Clerk  
District Judge's Court,



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|-----------------------------------|---------------------------------------------------------------------|------------------------------------------------------|------------------------------------------------|------------------------------------------------|
| 4/5/39                            | 5/5/39                                                              | 5/5/39                                               | 10/5/39                                        | 10/5/39                                        |

Bengal Form No. 3263.

H.C. Civil Process Form No. 20.

Decree in Original Suit.

(Order 20, Rules 6 and 7, Code of Civil Procedure).

District 24-Barganas.

In the 3rd Court of the Subordinate

Magistrate at Judge at Alipore.

Original Suit No. 3 of 1939.

80/38

1. Kalidas Roy Choudhury son of Dr. Y.N. Roy Choudhury at

present residing at 1/2B, Hazra Road. 2. Manada Mayee

Dasi widow of Mahendra Nath Sircar residing at 90A Rash

Behari Avenue P.S. Tollygunge. 3. Narendra Nath Polley

son of late Babu Hira Lal Polley residing at 587 Circle

Howrah Road, Howrah.

Plaintiffs-applicants.





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|-----------------------------------|---------------------------------------------------------------------|------------------------------------------------------|------------------------------------------------|------------------------------------------------|

-2-

Vs.

1. Bipin Behari Sarkar of 31/2 Mahaniruan Road P. S. Tollygunge, District 24-Farganas.
  2. Bijoy Krishna Sarkar of 10 Tara Road P. S. Tollygunge, District 24-Farganas
  3. Hiraj Krishna Sarkar of 11A tara road P. S. Tollygunge
  4. Siva Sambhu Sarkar of 10 Tara Road P. S. Tollygunge .
  5. Shyam Lal Sarkar of 94 Rash Behari Avenue P. S. Tollygunge
  6. Phani Lal Sarkar of 94 Rash Behari Avenue P. S. Tollygunge.
  7. Nripendra nath Das of 15A Tara Road P. S. Tollygunge.
- Defendants & Parties.

Claim.

suit for obtaining probate of the will of late Monendra nath Sarkar who died on 7.7.38 at his permanent residence 90 A Rash Behari Avenue P. S. Tollygunge.

Suit valued at Rs. 27319.10.0

This suit coming on this day for final disposal before Babu Narayan Chandra Bose, Subordinate Judge in the presence of Babu Harendra nath Mukherjee, pleader for the plaintiffs and in absence of the defendants

It is ordered and decreed that the suit is decreed ex-parte with costs. Let probate with copy of the will and codicils be granted to the plaintiffs.

and that the sum of Rs. 46.10.0. be paid by the defendants to the plaintiff on account of the costs of this suit.





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|                              |                                                                     |                                                      |                                                |                                                |

-3-

Given under my hand and the seal of this court, this 2nd day of August 1939.

Sd/- H.C. Bose.  
Sub-Judge. 15.8.39.

Costs of suit.

Plaintiff.

|                                        | Rs. P.         |
|----------------------------------------|----------------|
| 1. Stamp for plaint.                   | nil.           |
| 2. Stamp for power.                    | 1.0.0.         |
| 3. Stamp for petitions and affidavits. | 7.4.0.         |
| 4. Pleaders' fee                       | 30.0.0.        |
| 5. Process fees.                       | 8.0.0.         |
| 6. Demi-paper.                         | <u>22.6.0.</u> |
| <b>Total.</b>                          | <b>46.10.0</b> |

Defendant. nil.

Notice to take back documents.

The parties in this case are hereby required to take back, as soon as this decree shall have become final, the documents produced by them which are exhibits in the case. If they fail to take them back, the documents will be destroyed at such time as the High Court may prescribe (Rule 29, Chapter III, Volume, I, General Rules and Circular Orders, Civil).

Sd/- N.C. Bose.  
Sub-Judge,  
Signature of Presiding officer of the  
Court.

Dated 15.8.1939.

Typed by : B. DAS.  
9.5.72.

