

— Title Page —

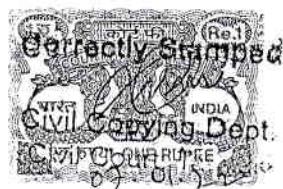
ଶ୍ରୀ କଣ୍ଠାରୀ ମହାନ୍ତିର ପାତ୍ର ପାତ୍ର

Firozabadi case No. → 101/2016.

— (ଶ୍ରୀ) କଣ୍ଠାରୀ ମହାନ୍ତିର — ପାତ୍ର ପାତ୍ର

କଣ୍ଠାରୀ

— (ଶ୍ରୀ) — କଣ୍ଠାରୀ ମହାନ୍ତିର — ପାତ୍ର ପାତ୍ର



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Civil Copying Dept.
Dist. Judges Court
Purba Medinipur
at Tamluk 01/01/22

Probate- 10 of 2016

Order no. 46 dated 20.04.21

Today is fixed for passing ex-parte order.

Hazira filed by the petitioner / applicant.

The case record is taken up for passing order.

The instant application is under section 278 of the Indian Succession Act, 1925 made by the applicant Susil Kumar Maity praying for granting letter of administration with respect to the Will mentioned in the application.

The fact of the case as stated by the petitioner / applicant is that his father namely Pasupati Maity died on 31.07.2013 at his residence at village Bahargram, P.S. Panskura, Dist.- Purba Medinipur, within the jurisdiction of this court. During his lifetime the deceased Pasupati Maity executed a Will in respect of the estates mentioned in the Will in favour of the Legatee namely Susil Kumar Maity, Suprabhat Maity and Gouri Rani Maity as mentioned in the Will. Gouri Rani Maity, mother of the petitioner and one of the legatee died on 15-12-2013. Asim Kumar Maity, O.P no. 1 has been appointed as an Executor in the Will. As Asim Kumar Maity refused to file an application for getting probate in respect of the Will, the petitioner/ applicant has filed this application under section 278 of the Indian Succession Act, 1925 being one of the Legatee, praying for granting letter of administration of the Will with respect of the estate of the deceased mentioned in the schedule of the application.

Notices of the application were served upon the opposite parties and published in the newspaper 'Sangbad Pratidin' dated 27.07.19.

O.Ps did not appear before court after receiving notice and did not raise objection regarding the grant of Probate in favour of the petitioner / applicant. Hence the instant case has been heard ex parte.

In order to prove the case petitioner have produced following witnesses for examination:

- (i) P.W.1 - Susil Kumar Maity, petitioner / applicant.
- (ii) P.W.2 - Sasim Kumar Chakraborty.

The following documents have been taken into evidence on behalf of the petitioner:

1. Exhibit-1 - Original Death Certificate of Pasupati Maity issued by Sub-registrar Birth and Death, Panskura Minicipality.
2. Exhibit-2- Original Death Certificate of Gouri Rani Maity issued by Sub-registrar Birth and Death, Panskura Minicipality.
3. Exhibit-3- The paper publication in 'Sangbad Pratidin' dated 27.07.19.

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Purba Medinipur
at Tamluk off 102

Probate- 10 of 2016

4. Exhibit- 4- The original Will executed by Pasupati Maity in favour of Susil Kumar Maity, Suprabhat Maity and Gouri Rani Maity.

5. Exhibit-4/1- The signature of PW-2 on the Will as attesting witness.

On scrutiny of the evidence on record, documents and other materials on record it transpires that Pasupati Maity died on 31.07.2013 at his residence at village Bahargram, P.S. Panskura, Dist.- Purba Medinipur, within the jurisdiction of this court. During his lifetime the deceased executed a Will in respect of the estates mentioned in the Will in favour of the legatee, as mentioned in the Will, which was duly signed by P.W.2 as witness of the Will. The said Will is the last will and testament of the deceased Pasupati Maity. As Asim Kumar Maity refused to file an application for getting probate in respect of the Will, the petitioner/ applicant has filed this application under section 278 of the Indian Succession Act, 1925 being one of the Legatee, praying for granting letter of administration of the Will with respect of the estate of the deceased mentioned in the schedule of the application.

On the basis of the above discussion, it can be inferred that there is no legal impediment under the provisions of the Indian Succession Act, 1925 or any other enactment to the grant of Letter of administration in favour of the petitioner / applicant. The petitioner / applicant being one of the Legatee of the Will is entitled to get the Letter of administration U/S 278 of Indian Succession Act, in respect of the Will with respect of the assets of the deceased mentioned in the Will.

Hence, it is,

ORDERED

that the instant Probate Case be and the same is allowed ex parte U/S 278 of the Indian Succession Act, with no order as to cost.

The petitioner / applicant namely Susil Kumar Maity do hereby get the Letter of administration of the Will annexed with respect of the assets of the deceased Pasupati Maity, described in the Will, on payment of proper court fees as per law.

Sheristadar is directed to asses the valuation of the court fees. Dealing Assistant is also directed to do the needful. Sheristadar is to reseal the Will and the same be kept in safe custody.

Dictated and corrected by me

District Delegate,
Civil Judge (Senior Division),
1st Court, Tamluk.

District Delegate,
Civil Judge (Senior Division),
1st Court, Tamluk.

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at Tamluk
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