

Probate Case No. 06 of 2018 (Reg. no.01/2018)

Order No.

Dated 12.09.2019

Petitioner files hazira.

Today is fixed for passing ex-parte order of the instant case.

Now the record is taken up for passing orders of the instant case.

In this case petitioner, Arun Kumar Kataruka son of late Banshidhar Kataruka being the executor of the will dated 08-01-2017, has filed the instant case.

In this case, PW-1 was examined and PW-2 has proved the will and also proved the execution of the will as he was present at the time of the execution of the will as the attesting witness.

I am satisfied that this is the last Will of deceased Kailash Nath Sharma and the applicant was being appointed as the executor of the said will and the O.Ps has not contested the application.

It appears from the said Will that property as mentioned therein is situated within the jurisdiction of this Court. It also appears from the said Will that the testator has nominated the applicant as executor of this Will to give effect of the same in its each letter and spirit after the order of this Court.

I think that it is duty of the Court to give respect to the Will of the testator and to give effect of the will dated 08-01-2017. There is no question of settlement. I am satisfied that the Will was duly attested and executed. Therefore, I find no bar to grant Probate in favour of the executor Sri Arun Kumar Kataruka.

Court fees has not yet been paid fully.

Hence it is

O R D E R E D

That the instant Probate case be and the same is allowed in ex-parte.

Let the probate of the will executed on 08-01-2017 by deceased Kailash Nath Sharma dated 08-01-2017 in favour of the petitioner Arun Kumar Kataruka after payment proper Court fees.

DA is directed to issue Probate certificate in favour of Arun Kumar Kataruka son of Late Banshidhar Kataruka after payment proper Court fees and other formalities.

Case stands disposed of finally.

D/C by me

Civil Judge (Sr. Divn.), Purulia.

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