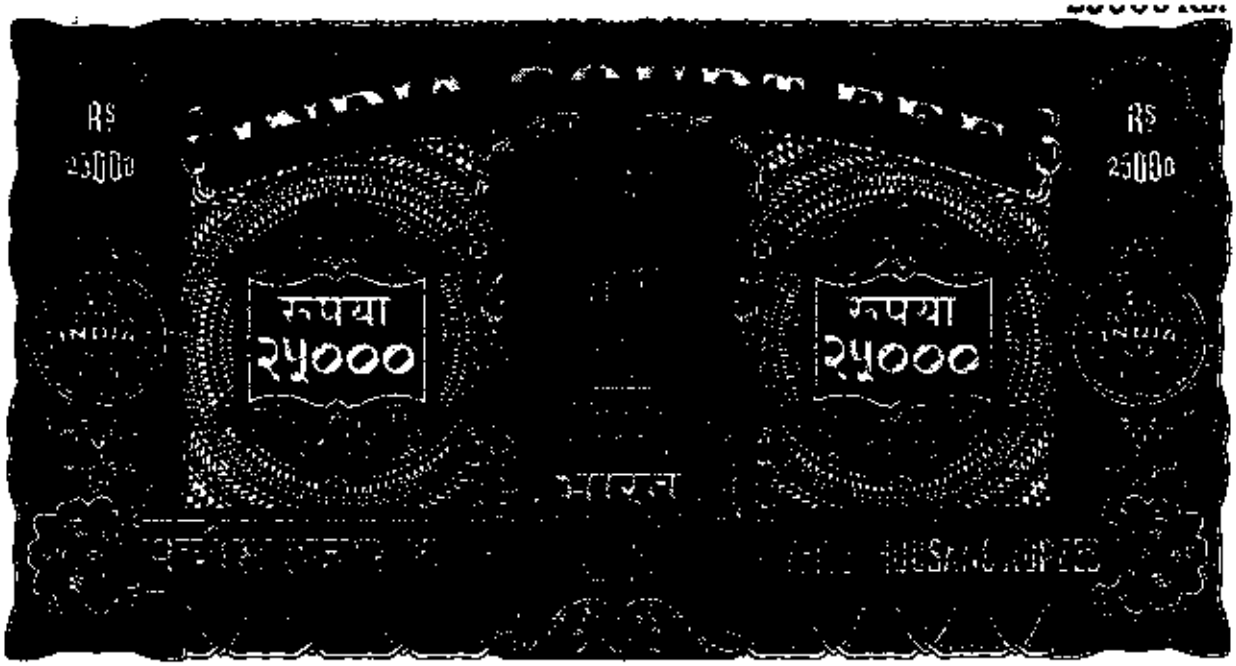

Probate of Grant of WILL

(Section 276 of the Indian Succession Act, 1925)

In the Court of the District Judge- VIII, East Singhbhum at Jamshedpur

Title Suit No.02 of 2009.

(Arising out of Probate Case No.84 of 2008)

To,

1. Ramdeo Prasad

2. Shambhu Prasad,

Both Sons of Late Agnulal Kumar

3. Smt. Agni Devi, wife of Late Agnulal Kumar

All resident of Dimna Road, Near Old Chekpost, PS-Mango, Olidih O.P., Town-Jamshedpur, District - East Singhbhum, State-Jharkhand. .....Applicants.

I, Kaushal Kishor Jha, District Judge- VIII, East Singhbhum at Jamshedpdur, [or Delegate, appointed for granting probate in (here insert the limits of the Delegate's jurisdiction)], hereby make known that on the 20th day of October in the year 2006, the testator Late Agnulal Kumar (deceased), has executed his last and genuine Will dated 20.10.2006 in presence of their attesting witnesses namely Basanti Devi daughter of the testator and Suresh Kumar and by the said Will the deceased Agnulal Kumar had bequeathed the Schedule-A property in

Stamps of Rs. 3000
Dated 24/1/2011 for
Name Bajaj Steel Ind. Ltd. on behalf of
Name Civil Court
Stamp Clerk
JSR. TKY

24 JAN 2011

027047

Title Suit No.02 of 2009.

(Arising out of Probate Case No.84 of 2008)

favour of his two sons Ramdeo Prasad, Shambhu Prasad and widow wife of testator Smt. Agni Devi a copy whereof is hereunto annexed, was proved before me, and that administration of the property and credit of the said deceased, and in any way concerning his Will was granted probate to Ramdeo Prasad, Shambhu Prasad both son of Late Agnulal Kumar and Smt. Agni Devi, wife of Late Agnulal Kumar, (Applicants are the son and wife of Late Agnulal Kumar and they are the legal heirs and successors of Late Agnulal Kumar) the executor in the said Will named, they having undertaken to administer the same and to make a full and true inventory of the said property and credits and exhibit the same in this court within six months from the date of this grant or within such further time as the Court may, from time to time, appoint, and also to render to this Court a true account of the said property and credits within one year from the said date, or within such further time as the Court may, from time to time appoint.

SCHEDULE "A"

District Singhbhum, Registry office at Jamshedpur, Paragana Dhalbhum, Mouza Mango, PS.Mango, under Olidih O.P., under Mango Notified Area Committee, in ward No-9, under Khata No.617, Plot No-4712 a,b,c,d,e,f total measuring area 0.07.00 i.e. 0.17 Acres with house structures standing thereon (Two double storied building), bounded by :- North: Plot No.4711 in the possession of Santosh Prajapati and his brother, South: House of Bishun Ram, East: Dimna Main Road, West: Plot No.4697 of Ramdeo Prasad.

Granted this 10th day of Feb' 2017 under the seal of this Court.

Office Clerk
07.02.17

Sheristedar
07.02.2017
07.02.17

District Judge VIII, I/C
East Singhbhum, Jamshedpur
10.02.17

DIST. ADDL. SESSIONS JUDGE - VIII
JAMSHEDPUR

In The Court of A.D.J-VIII

at Jamshedpur

T.S. Case No. 219

R. Prasad & Ors. Vrs. S. Prasad & Ors.

Exd 2

T.S. 02/19

AJ Dhanbad

Court of District & Sessions Judge
3 - OCT 2008

W I L L

I, Sri Agnulal Kumar, son of Late Bulash Kumhar, by faith Hindu, by occupation aged person, resident of Dimna Road, Near Old Check Post, P.S. Mango, Town Jamshedpur, District East Singhbhum, State Jharkhand, do hereby make and declare this as my LAST WILL and TESTAMENT, whereby I appoint my executors my wife namely (1) Smt. Agni Devi (2) my eldest son Randeo Prasad and (3) my youngest son Shambhu Prasad joint executors of this my WILL and I, leave bequeath give all my properties movable and immovable and the entire land situated at Dimna Road under Khata No. 617 (Six hundred seventeen), Plot No. 4712 (Four thousand seven hundred twelve) recorded in my name (details given in Schedule below) and which I may be possessed of or entitled to at the time of my death.

That my said wife is also an old age lady and if before administration of my estate or taking probate from the competant court she died than my said two sons

Contd..P/2..

Fee paid
CV 400=00
MG 36=00
436=00

20/12/06

20/12/06

12 DEC 2017

20 DEC 2017

Received Copy
and Sheets Valued at Rs.

200

200

2 DEC 2017

: 2 :

will, And if any of my shall act as executors my said son predeceased me or expire after me without granting probate than his or their sons will act as executors.

That my said wife only will have life interest, with no power to encumber or mortgage, gift or any kind of elianation what-so-ever of any of property, and after her death my said two sons will act as executors and shall have every right over her properties having in equal shares or his or their sons will act as executor in the situation mentioned above after taking probate from competant court of law.

That I have my another son namely Shyamdeo Prasad, but he is not made my executor in this Will, because I have given him maximum of property in term of cash and cash for his business and cash for purchasing Mini Bus etc. as he was not interested to live in Mango as he was employee of Bokaro Steel Plant.

My said two sons whom I make my executors have been looking after me and my wife taking all care and doing everything for my well being specially in my and

Conto..P/3..

my wife's old age, and both of us are very much please with their service and treatment and behaviour. In case I die leaving debts than such debts shall be payble by my said two sons and all expenses for me and my wife till the last our lives will be borne by them.

That for avoiding future litigation, One third of the total Schedule land situated northern side shall be fallen in the share of my eldest son Rameo Prasad and One third of property towards Southern side shall be of Shambhu Prasad and rest one third situated middle portion of above two portion of my two sons shall be viven to my wife and after her death her property shall be equally taken by my said two sons as real Owner.

IN WITNESS WHEREOF I the said Agnulal Kumar having my good physical condition with full sound and disposing mind and without any presure from any corner with knowing and understanding the full contents of this which explained to me in Hindi I have hereto signed at Jamshedpur this the 20th day of October, 2006, and I have also signed on every page of this WILL in presence of the witnesses.

20.10.06

SIGNATURE

Contd..P/4..

SCHEDULE OF PROPERTY

In mouza Mango, Town Jamshedpur, Paryana Dhalbhum, Registry Office at Jamshedpur, under Mango Notified Area Committee, Ward No. 9 (Nine), under Khata No. 617 (Six hundred seventeen), Plot No. 4712 a, b, c, d, e, f, (Four thousand seven hundred twelve a,b,c,d, e,f) total measuring area 0.07.00

Bounded by :-

North : Plot No.4711(Four thousand seven hundred eleven) in the possession Santosh Prajapati and his brothers.

South : House of Bishun Ram,

East : Dimna Main Road,

West : Plot No. 4697(Four thousand six hundred ninety seven) of Randeo Prasad.

Contd..P/5..

NP

3 - OCT 2008

Court of Sri [illegible] Judge
East Singhbhum, JSR.

-: 5 :-

ATTESTATION

SIGNED by the said Agnulal Kumar as his last WILL and TESTAMENT before us present at the same time who at his request and in his presence have in the presence of each other hereto signed as witness.

Name of witness and descriptions.

1. Suresh Kumar
Sonbarsai Rd No 3 Kamni Nagar
Mango 20/10/06

2. [illegible]
20/10/06

EXECUTANT

Read over and explained the contents of this will in Hindi to the ex cutants who agreed the same to be true.

Rajesh Chowdhary
20.10.06
ADVOCATE

Typed by :
20/10/06
(S.C.Mandal)
Jamshedpur.

The Original and Duplicate is the copy of same deed and contains 926 words.

Rajesh Chowdhary
ADVOCATE 20.10.06

(Certified that on Page no-2, line no-1 the word [illegible] and if any of my) have been added

25163
25495/14
93 VIII

Court of District Judge-VIII, East Singhbhum, Jamshedpur
Title suit No.02 of 2009
Probate case No. 84/2008

In the court of the District Judge VIII, Jamshedpur

Present: *Kaushal Kishor Jha,*
District Judge VIII,
Jamshedpur.

Dated, Jamshedpur, the 29th Day of November 2016

TITLE SUIT No. 02 of 2009
(Arising out of Probate Case No. 84 of 2008.)

1. **Ramdeo Prasad**
2. **Shambhu Prasad**

Both sons of late Agnulal Kumar

3. **Smt. Agni Devi,** wife of Late Agnulal Kumar,

All resident of Dimna Road, Near Old Chekpost, PS-Mango,Olidih O.P., Town-Jamshedpur, District- East Singhbhum, State- Jharkhand

..... **Applicant/(Plaintiff)**

Vrs

1. **Shyamdeo Prasad,** S/o Late Agnulal Kumar,

Resident of Dimna Road, Near Old Checkpost, PS-Mango,Olidih,Town-Jamshedpur, District-Singhbhum East, State- Jharkhand.

2. **Basanti Devi,** Wife of Radhanath Das,

Resident of Mango Dimna Road, Near Old Checkpost, Adarsh Colony, PS-Mango, Town-Jamshedpur, District- Singhbhum East.

3. **Sona Devi,** Wife of Prabhu Dayal Pandit,

Resident of Kumhar Para, Near Kali Mandir, Chakradharpur, PS-Chakradharpur District- West Singhbhum.

4. **Leela Devi,** Wife of Shankar Pandit,

Resident of Mango, Dimna Road, Near Old Checkpost, Adarsh Colony, PO PS Mango, Town- Jamshedpur, District- Singhbhum East

.....**Opposite Parties/(Defendants)**

For the Plaintiffs: Sri S.K.Mandal, Adv.
For the Defendants: Sri S.K.Singh, Adv.

JUDGMENT

1. This case has been filed for grant of probate of registered Will dated 20.10.2016 executed by Late Agnulal Kumar, whereby the testator Late Agnulal Kumar had bequeathed the properties mentioned in the Will in

favour of the applicants/Plaintiffs Ramdeo Prasad, Shambhu Prasad and Smt. Agni Devi.

2. The case of the applicants, in short, is that the Late testator Agnulal Kumar was a Hindu governed by Hindu law and he died on 13.01.2008 at Tata Main Hospital, Jamshedpur. It is further stated that at the time of his death, the said testator had fixed place of abode at Dimna Road, near old Check post, Mango Jamshedpur, District-East Singhbhum which is within the jurisdiction of this court. The applicants have further stated that the land and the building standing over Khata No.617, Plot No.4712 a,b,c,d,e,f measuring an area of 0.07 hector is the exclusive property of deceased Agnulal and the deceased Agnulal Kumar was the absolute owner thereof. It is further stated that on 20.10.2006 the deceased Agnulal Kumar made and published his last will and testament in presence of attesting witnesses and by this Will, the testator had appointed the present applicants as his executor for obtaining the probate of the said Will. The applicants No.1 and 2 namely Ramdeo Prasad and Shambhu Prasad are the sons of the deceased testator, whereas applicant No.3, Agni Devi, is the wife of the testator. It is further stated by the applicants that the deceased testator had executed the Will in good health and in sound mind and since the applicants have been appointed as executor of the last Will and testament of Late Agnulal Kumar, the applicants have filed this case. The applicants have given the details of the legal heirs of deceased testator Agnulal Kumar in para-10 of the application and it is further stated that no prior probate application or letter of administration was ever filed with respect to the will dated 20.10.2006 of Late Agnulal Kumar.

3. The opposite party/defendant No.1 appeared and filed his written statement on 30.05.2009 contesting the claim of the applicants/plaintiffs. The opposite party/ defendant No.1, apart from raising legal objection regarding maintainability of this case, has denied the execution of Will in favour of the applicants by Late Agnulal Kumar. It has been stated by the defendant No.1 that the deceased Agnulal Kumar never executed any Will dated 20.10.2006 in favour of the applicants and the Will produced by the applicants is forged and fabricated. The defendant No.1 has stated that the signature made by Late Agnulal Kumar on different pages of the Will appears different which itself shows that the Will is manufactured

and not executed by Late Agnulal Kumar who died on 13.01.2008 and at the time of his death, he was more than 80 years of age and was not keeping good health and sound mind for last two years and most of the time he was suffering from fever and dysentery and was not in proper senses and he was unable to make any proper decisions as to devolved his property by Will and in that state of mind, Agnulal Kumar could not have executed any rational document and as such this Will, even if it is presumed to have been executed by Agnulal, can not be probated by this court because Late Agnulal Kumar was not in the mental capacity to execute the said Will. The defendant No.1 has stated that defendant No.1 is own brother of applicants/plaintiffs No.1 and 2 and several cases are pending between them in different courts and under these circumstance, the applicants have manufactured the alleged Will. The defendant No.1 has stated that under these circumstance, the probate application of the applicants is liable to be dismissed.

4. The opposite parties/defendants No.2,3 and 4 have filed their separate written statement and they have not contested the claim of the applicants. These defendants No.2,3 and 4 are the daughters of Late testator Agnulal Kumar and out of them, defendants No.2 is one of the attesting witness of the Will. These defendants have no objection in grant of probate in favour of the present applicants/plaintiffs.

5. In view of the objection raised by opposite party No.1 Shayamdeo Prasad, the proceeding of this case was conducted in accordance with the provision of section 295 of the Indian Succession Act and from the perusal of the order-sheet, it transpires that vide order dated 01.04.2009 of the predecessor court of Additional District Judge, FTC-II, Jamshedpur, this probate case was sent to the court of District Judge, Jamshedpur for registering the said record as Title Suit and accordingly this probate case was registered as Title Suit No.02 of 2009.

6. In view of the rival pleadings of the parties issues were framed on 17.06.2009 which is as hereunder:

I. Whether the Will dated 20.10.2006 executed by Late Aghanulal Kumar, testator is genuine ?

Considering the fact that this probate case has been contested by the opposite party No.1, Shyamdev Prasad and as such the proceeding were conducted as per the provisions of CPC, but it is settled law that even in the event of

contested probate case, only form of the case changes and not it's substance. A probate court has to confine the proceeding to the issue that Whether the purported Will is last Will of the testator and Whether it has duly been executed as per the provisions of Section 63 of the Indian Succession Act. Hon'ble Patna High Court in the decision reported in AIR **(34) 1947, Patna** 459, has held- *"In an application for probate, the court has no jurisdiction to inquire into the nature of the rights of the testator in the property covered by the Will." Further in Hon'ble Patna High Court in the case of* ***Sidhnath Bharti V/S Jai Narayan Bharti reported in AIR 1994 Patna 144*** *has held that " no where section 295 of Indian Succession Act says that once the proceeding becomes contentious, the proceeding will be treated as a regular suit, it only says as nearly as may be the proceeding shall take the form of a regular suit. The proceeding becomes a suit in form only and not in substance. The use of words "as nearly as may be" in the section clearly shows that the legislature never intended that the contentious proceeding should exactly be the same as the suit. The contentious proceeding is not a suit under the ordinary law. By virtue of Section 295, the said proceeding takes the form of a regular suit for the limited purpose of applying to it the provisions of the Code of Civil Procedure. The proceeding retains its character as proceeding and does not in point of fact becomes a regular suit."*

In the instant case, the objection has been raised by the opposite party No.1 that the Late testator Agnulal Kumar has not executed any Will in favour of the applicants and any such Will, produced by the applicants, is forged and fabricated. The opposite party further claim that the said Late testator Agnulal Kumar was ill for last two years from his death and he was not in such physical and mental condition to execute any Will in favour of the applicants. In view of these rival pleadings and considering the scope of enquiry of probate proceeding, the **issues already framed in this case is re-casted as here under-**

I. Whether the will executed by Late Agnulal Kumar dated 20.10.2016 has properly been executed and duly attested ?

II. Whether the Will dated 20.10.2006 is the last and genuine Will of the Late Agnulal Kumar ?

III. Whether the applicants are entitled to get the probate of the Will dated 20.10.2006 executed by Late Agnulal Kumar ?

Court of District Judge-VIII, East Singhbhum, Jamshedpur
Title suit No.02 of 2009
Probate case No. 84/2008

FINDINGS

8. In this case the applicants/plaintiffs have examined four witnesses. PW-1 is Ramdeo Prasad, who is applicant No.1 of this case, PW-2 is Suresh Kumar, one of the attesting witness of the Will, PW-3 is Basanti Devi, daughter of the testator and another attesting witness of the Will and PW-4 is Rajesh Choudhary, learned Advocate who has drafted the Will. The plaintiffs have further proved the signatures of the testator appearing on different pages of the Will, signatures of the witnesses on the concluding page of the Will, signatures of advocate, which have been marked as Exhibits-1 to 1/12 respectively. The original registered Will dated 20.10.2006 has been marked as Exhibit-2, the certified copy of khatiyan of khata No.617 marked Exhibit-3.

9. On behalf of the defendants only one witness has been examined that is DW-1 Shyamdeo Prasad the defendant himself.

Considering the rival pleadings of the parties and the scope of inquiry of probate proceeding, this court will take up Issues No.I, II and III, all jointly, for adjudication.

10. Issue No. I, II & III :- The applicant/plaintiff has filed this case for obtaining probate of registered Will dated 20.10.206, executed by Late Agnulal Kumar in favour of the applicants. The opposite party/defendant No.1 has raised objection that Late Agnulal Kumar never executed any Will and the Will relied upon by the applicant/plaintiff is forged and fabricated. It is settled law that execution of Will must conform to the requirement of section 63 of the Succession Act, in terms where of, Will must be attested by two or more witnesses. Execution of Will, however, can only be proved in terms of section 68 of the Indian Evidence Act. In terms of said provisions at least one attesting witness has to be examined to prove the execution of the Will. The three requirement of section 63 of the Indian Succession Act are as follows: (a) the testator has to sign or affix his mark to the will, or it has got to be signed by some other person in his presence and by his direction; (b) that the signature or mark of the testator, or the signature of the person signing at his direction, has to appear at a place form which it could appear that by that mark or signature the document is intended to have effect as a will; and (c) the most important point is that the Will has to be attested by two or more witnesses and each of these witnesses must have been seen the

testator signed or affixed his mark to the Will. It is thus, clear that one of the requirement of due execution of the Will is its attestation by two or more witnesses which is mandatory. According to Section 68 of the Evidence Act, a document required by law to be attested shall not be used as evidence until one attesting witness at least has been call for the purpose of proving of execution, if there been attested witness alive and capable of giving evidence. It is further settled that the court of probate is only concerned with the question whether the document put forward as a last Will and testament of a deceased person was duly executed and attested in accordance with law and whether at the time of such execution testator have sound dispossessing mind. It is well settled that one who propounds the Will must established the competence of the testator to make the will at the time when it was executed. The onus is discharged by the propounder adducing prima facie evidence proving the competence of the testator and execution of the Will in the manner contemplated by law.

11. In the instant case, from perusal of the original registered Will dated 20.10.2006, it transpires that two attesting witnesses namely Suresh Kumar and Basabti Devi have joined the execution of the Will as attesting witnesses. Both these attesting witnesses of the Will, Suresh Kumar and Basabti Devi, have been examined in this case as PW-2 and PW-3 respectively. PW-2, Suresh Kumar, has stated that he is an attesting witnesses of this Will executed by Agnulal Kumar and PW-2 has knowledge of the contents of this Will. PW-2 has further stated that the Will was prepared by advocate Sri Rajesh Choudhary and it was read over in Hindi to Agnulal Kumar in presence of two witnesses including PW-2 and the meaning of every line was explained to Late Agnulal Kumar and after that the testator Agnulal Kumar put his signature in Hindi in every pages of the Will in presence of this witness and further the finger print of all five fingers of Agnulal Kumar were taken on the first and second page of the Will and his passport size photo was also affixed on the two pages of the Will as per the rule of registry office. PW-2 has further stated that the testator Agnulal had executed the Will in sound health and in sound mental capacity without any pressure. In his cross-examination PW-2 has stated that he has not seen the documents of the property and this witness used to go to the house of Late Agnulal Kumar from his birth and this witness knows only about one son of Agnulal Kumar

namely Ramdeo Prasad.

12. PW-3, Basanti Devi, is the daughter of Late Agnulal Kumar. In her examination-in-chief, PW-3 has also stated that his father Agnulal Kumar got the Will prepared from his advocate Rajesh Choudhary and in presence of this witness and one Suresh Kumar, the Will was read over in Hindi and every line was explained to Late Agnulal and Late Agnulal after understanding the contents of the Will, put his signatures over the Will. In his cross-examination, PW-3 has stated that she is married since 1972 and Late Agnulal had six children. PW-3 has denied that her father was ill since 2003.

13. One of the applicant Ramdeo Prasad has been examined as PW-1. In his examination-in-chief filed on affidavit, PW-1 has stated that this probate case has been filed by PW-1, his brother Sambhu Prasad and mother Agni Devi, jointly, for probate of last Will of his father Late Agnulal Kumar dated 20.10.2006. PW-1 has further stated that the property described in schedule of the Will belongs to his father Late Agnulal Kumar and the said Agnulal Kumar has bequeathed the said property in favour of applicants No.1 and 2 giving right to enjoyment of the property to his wife Agni Devi. PW-1 has further stated that his father Agnulal Kumar executed the Will in sound health and mental capacity and the said Will was drafted by advocate Rajesh Choudhary and was read over to the testator Agnulal Kumar in Hindi who put his sign on every page of the Will in presence of attesting witnesses Suresh Kumar and Basanti Devi and the said Will was registered in the Jamshedpur registry office where the witness Suresh Kumar had identified the testator Agnulal Kumar and this witness was present when the Will was prepared and the testator and witnesses put their signature on the Will. In his cross-examination PW-1, has stated that Agnulal Kumar had cloth business and prior to executing the Will, the said Agnulal Kumar had not called any family meeting. PW-1 has further stated that after the death of his father, he found the Will in the religious book of his father. PW-1 has denied that Agnulal Kumar was not in sound health and sound mental capacity at the time of the execution of the Will. PW-1 has further denied that the signatures appearing on different pages of the Will of the testator are different.

13. PW-4 is the advocate who has prepared the Will of Late Agnulal Kumar. In his examination-in-chief, PW-4 has stated that he had prepared the Will dated 20.10.2006 which was explained in Hindi to Late Agnulal Kumar

in presence of two witnesses Suresh Kumar and Basanti Devi and after that Agnulal Kumar put his signature over the Will which was subsequently registered. PW-4 identified and proved the Will dated 20.10.2006 which have been marked as Exhibit-2. In his cross-examination, PW-4 has stated that deceased Agnulal Kumar was known to PW-4 prior to execution of Will and PW-4 has also denied that Late Agnulal Kumar was mentally and physically ill at the time of execution of the Will.

14. It has been submitted on behalf of the defendant that Late Agnulal Kumar has three sons and three daughters and the said Agnulal Kumar died leaving behind these heirs as well as his wife Agni Devi but the plaintiff No.1 get the forged Will manufactured and registered, whereby only two brothers got the schedule property and no share was given to the defendant No.1. This itself caste doubt in the genuineness of the Will. Learned counsel for the defendant has further submitted that the signatures of Late testator Angulal Kumar appearing on different pages of the Will is evidently appears to be not matching from the necked eyes, which also caste doubt on the genuineness of the Will. Further the said Agnulal was not in sound mental capacity and by taking advantage of his week mental capacity the applicants got the Will executed in deceptive manner.

15. This court does not find merit in the contention of the defendant. First of all from perusal of the evidences adduced in this case by the plaintiffs, as discussed above it is evident that the Will has properly and duly been executed by Late Agnulal Kumar in presence of attesting witnesses PW-2 and 3. Further the said Will was registered on the same day at Jamshedpur registry office where Agnulal Kumar was identified by PW-2. Thus, it is proved that the Will dated 20.10.2006 is the last and genuine Will of Late Agnulal Kumar. So far the suspicions conditions of execution are concerned, no doubt by the said Will the testator had not given any share to one of his son defendant No.1 and as such the circumstance has to be examined cautiously but the very fact that by this Will the testator had given share of the schedule property to plaintiffs No.1 and 2 and lifetime enjoyment right to his wife applicant/plaintiff No.3 and the execution of the Will in presence of one of the daughter who is attesting witness of the Will, coupled with "no objection" on behalf of the other daughters, defendants No.3 and 4, clears any suspicion whatsoever.

16. So far the contention regarding difference of signature appearing on different pages of the Will is concerned, this court finds that there are altogether eight signatures of testator Agnulal Kumar appearing on different pages of the Will and all these eight signatures does not appear to be evidently different or mismatched. Moreover, the defendant No.1 has not taken any steps to get these signatures examined by any expert. On the other hand the registration of the Will on the very date it was executed supports the genuineness of the execution. Further the defendant has brought no evidence on record regarding any illness of Late Agnulal Kumar so as to prove the week health or mental conditions of Late Agnulal Kumar.

17. In view of the discussion made above and in light of evidences available on record, this court finds that the Will dated 20.10.2006 is the last and genuine Will of Late Agnulal Kumar and the applicants/plaintiffs namely Ramdeo Prasad, Sambhu Prasad and Agni Devi are the executor of the Will and they are entitled to get the Will probated in their favour. Accordingly, issues No. I, II and III are decided in favour of the applicants/plaintiffs and against the opposite party/defendant No.1.

18. From perusal of the record, it transpires that the applicant/plaintiff has already deposited the duty fee of Rs.30,000/- vide challan No.408 dated 28.01.2009.

19. Therefore, it is hereby

ORDERED

that the Will dated 20.10.2006 is the last and genuine Will of late Agnulal Kumar and it has duly been executed by Late Agnulal Kumar in favour of Ramdeo Prasad, Sambhu Prasad and Agni Devi. Accordingly, the said Will is hereby probated in favour of the applicants Ramdeo Prasad, Sambhu Prasad and Agni Devi. Let a probate of the said Will be granted under seal of the court in the form of certificate in Schedule-4 of the Indian Succession Act 1925 in favour of the applicants.

(Dictated and corrected by me.)

Kaushal Kishor Jha 29/11/2016
(Kaushal Kishor Jha,)
District Judge-VIII,
East Singhbhum, Jamshedpur.
29.11.2016

Kaushal Kishor Jha 29/11/2016
(Kaushal Kishor Jha,)
District Judge-VIII,
East Singhbhum, Jamshedpur.
29.11.2016.

CERTIFIED

2 DEC 2017

1 OF