

Court No. - 9

Case :- TESTAMENTARY CASES No. - 90 of 2022

Petitioner :- Ramkrishna Mission In The Matter Of The Goods Of Late Swami Pratagyananda Ji Mahesh Maharaj

Respondent :- Na

Counsel for Petitioner :- Utpal Chatterji, Shireesh Gopesh, Shiv Kumar Yadav

Counsel for Respondent :- Shiv Kumar Yadav, Shireesh Gopesh

Hon'ble Rohit Ranjan Agarwal, J.

1. Heard Sri Utpal Chatterji, learned counsel for the petitioner and Sri Shiv Kumar Yadav and Sri Shireesh Gopesh, learned counsel appearing for the two beneficiaries of the Will.

2. The present testamentary petition has been filed by petitioner Ramakrishna Mission Home of Service through its Secretary and duly constituted attorney Swami Bhadatitananda, being a branch centre of Ramakrishna Mission, a registered society having its headquarter at Belur Math, Howrah, West Bengal for grant of letter of administration of last Will and testament dated 31.07.2019 of Late Swami Pratagyananda Ji alias Mahesh Maharaj in his favour. The testator, Late Swami Pratagyananda Ji alias Mahesh Maharaj executed Will dated 31.07.2019 before two witnesses Sri Ranjeet Rai, Advocate and Sri Ajai Sharma. The Will was thereafter presented before Sub Registrar, Sadar, IIIrd, Varanasi on 02.08.2019 by testator and the same was registered. Swami Pratagyananda Ji alias Mahesh Maharaj died on 03.12.2019.

3. Through the aforesaid registered Will dated 31.07.2019, the testator Late Swami Pratagyananda Ji alias Mahesh Maharaj bequeathed his movable properties in favour of three beneficiaries, 1. Ramakrishna Mission Kila Maidain, Indore through its Secretary Swami Nirvikarananda ji, 2. Ramakrishna Advaitya

Ashrama, Luxa Varanasi through its Adhyaksha and duly constituted attorney Swami Vishwatmananda and 3. Ramakrishna Mission Home of Service, Luxa, Varanasi, the petitioner.

4. In para no. 14 of the testamentary petition, it has been stated that petitioner being one of the beneficiaries is applying for grant of letter of administration in his favour and undertakes to administer the Will dated 31.07.2019 in accordance with wishes of the testator so that the bequeathed amount may be distributed in favour of all the beneficiaries in accordance with the Will.

5. On presentation of the petition, notices were directed to be issued to the Administrator General, UP, and the Board of Revenue.

6. The citation of the petition was directed to be published in two newspapers namely, 'Hindustan Times' (English) and 'Dainik Jagran' (Hindi) on 30.08.2022 both published from Varanasi. On 26.09.2022, the order dated 30.08.2022 was modified to the extent that publication in two daily newspaper shall be made one in 'Times of India' (English) and 'Dainik Jagran' (Hindi).

7. Notice was issued to beneficiaries of the Will on 30.08.2022. Pursuant to notice, Ramakrishna Mission Qila Maidan, Indore through its Secretary Swami Nirvikarananda has filed an affidavit on 29.10.2022 through his lawyer Sri Shiv Kumar Yadav and in para 6 of the affidavit, it is stated that he has no objection whatsoever to the grant of the letter of administration to the Will of Late Swami Pratagyananda Ji alias Mahesh Maharaj dated 31.07.2019 in favour of petitioner. Pursuant to that notice, Ramakrishna Advaita Ashrama, Luxa, Varanasi Adhyaksha Swami Vishwatmananda has also filed an affidavit on 31.10.2022 through his lawyer Sri Shireesh Gopesh and in para no. 6 of the affidavit, it is stated that he has no objection to grant of letter of administration

to the Will of Late Swami Pratagyananda Ji alias Mahesh Maharaj in favour of the petitioner.

8. Learned counsel appearing for Administrator General has filed his report that as per the records maintained in the office of Administrator General U.P. High Court, Allahabad, no case for issuance of letter of administration in respect of estate of Late Swami Pratagyananda Ji alias Mahesh Maharaj has been filed either by petitioner or by any other person in the office.

9. The citation of the petition was published in the newspapers 'Times of India' and 'Dainik Jagran' on 18.10.2022. The original of the aforesaid two newspapers have been filed along with the affidavit of service. Despite the above publication in the newspapers no one has appeared to oppose grant of Letters of administration to the petitioner in respect of the estate of the deceased.

10. In view of the above, the case is non-contentious.

11. The death of the deceased is established by the copy of the death certificate dated 13.12.2019 issued by the Registrar, Birth and Death, Varanasi Municipal Corporation, filed on record.

12. The Registrar General of the Court has certified under Rule 8 of Chapter XXX of the Rules of the Court that he has received no intimation from any other High Court or District Court of any grant of probate of any Will or Letters of Administration of the property and credits of the above-named deceased throughout the territory of India. Hence, the present petition is the first and the only petition seeking grant of Letters of Administration to the estate and credits of the deceased.

13. In view of the above, the present petition is the first and only petition for grant of Letters of Administration with Will annexed in respect of the estate of the deceased.

14. The petitioner has filed Original Will which is registered and is attested by two marginal witnesses Sri Ranjeet Rai, Advocate and Sri Ajai Sharma, Advocate. The petitioner has also filed separate affidavits of the aforesaid attesting witnesses who have clearly stated in para no. 7 of their affidavit that testator Late Swami Pratagyananda Ji alias Mahesh Maharaj executed the Will dated 31.07.2019 in accordance with law and they have duly signed the Will as attesting witness of the same in presence of the testator of the Will and the same is absolutely genuine, valid and legal.

15. Today, Sri Ranjeet Rai and Sri Ajai Sharma, the attesting witnesses to the Will of Late Swami Pratagyananda Ji alias Mahesh Maharaj, alleged to have been executed before them, are present in the Court who are identified by Sri Utpal Chatterji, learned counsel for the petitioner. Both the attesting witnesses have attested the said Will and have submitted that signature on the said Will is of Late Swami Pratagyananda Ji alias Mahesh Maharaj and of theirs. In view of statement of both attesting witnesses, Sri Ranjeet Rai and Sri Ajai Sharma, the Will executed by testator Late Swami Pratagyananda Ji alias Mahesh Maharaj stands proved in terms of Section 68 of Indian Evidence Act.

16. The Will of the deceased has thus been proved by the affidavit of both attesting witnesses as well as in terms of Section 68 of Indian Evidence Act.

17. The petitioner has filed details of the property/credits left behind by both the deceased. As per the affidavit of valuation, the estimated total valuation of the property is Rs.17,53,864.73/-, which is sum of **(1)** Rs.10,75,023.00/- in FDR No. AB/COM/SNSP/AC 436333 Deposit Receipt of Andhra Bank (now Union Bank of India) Varanasi Branch known as Kalpataru Deposit Date of Deposit 22.4.2019, Date of Maturity 22.4.2020,

Maturity Amount Rs.10,75,023/- along with upto date interest. **(2)** Balance amount of Rs.1,12,230.59/- along with upto date interest standing out credit of Savings Bank Account No. 062010011017028 of Andhra Bank, (now Union Bank of India) Varanasi Branch .**(3)** Rs.1,38,000.00/- in FDR/Term Deposit Receipt No. TDR/SSP A632920 dated 7.10.2015 Amount Rs.1,38,000/- Maturity Amount Rs. 1,38,000/ Date of Maturity 7.10.2021 pertaining to Oriental Bank of Commerce, (now Punjab National Bank) Jangambari Branch, Varanasi along with upto date interest. **(4)** Rs.1,00,000.00/- in TD/ALPM 658945 Date of issue 2.7.2011, Date of Maturity 2.7.2021, Amount Rs.1,00,000/- issuing Branch Syndicate Bank (now Canara Bank) Chowk Branch, Godauliya, Varanasi. **(5)** Rs. 1,00,000.00/- in Account No. 034200DQ00000715 Customer I.D No 603808137 for Rs. 1,00,000/- Date of Issue 30.12.2014, Date of Maturity 29.12.2020 pertaining to Punjab National Bank, Mylapore, Branch Chennai along with upto date interest. **(6)** Rs. 20,000.00/- in Spectrum Fixed Deposit Receipt issued by Punjab National Bank, Branch Mahmoorganj, Varanasi SWU 894114, Account No. 186800PQ00000400 Customer ID No. 300493596 Rs.20,000/- Date of Issue 6.2.2006, Date of Maturity 26.6.2020 along with upto date interest. **(7)** Rs.90,607.45/- in Syndicate Bank (now Canara Bank) Varanasi Chowk Branch, Anand Bari Godauliya A/C No.87522200026041, Customer ID 7905490 balance amount as on 2.4.2020 with upto date interest. **(8)** Rs. 52,632.00/- in Oriental Bank of Commerce (now Punjab National Bank) Jangambari, Varanasi Branch Savings Bank Account No. 06662010015130, Customer ID 14563031 date of opening account 20.11.2003 balance amount as on 6.6.2020, Rs.52632/-along with upto date interest **(9)** Rs.46,043.69/- in Punjab National Bank, Mylapore

Branch Chennai Account No. 0343000141351489, Customer ID 603808137 date of opening 3.2.2014 balance as on 1.10.2019 Rs.46,043.69/-along with upto date interest. **(10)** Rs. 19,328.00/- in Punjab National Bank, Mahmoorganj, Varanasi Account No. 1868000100034461 opened on 21.10.2003, Customer ID No. 300493596 balance as on 29.9.2019 Rs. 19,328/- along with upto date interest. The report of District Magistrate, Varanasi discloses the total valuation of Rs.21,10,656.44/. The petitioner is directed to deposit the court fees on the amount of Rs.21,10,656.44/- as has been disclose in the report of District Magistrate- Varanasi.

18. Since the matter is non-contentious and the Will has been proved by the attesting witnesses who are present in the Court, there is no option for this Court but to grant Letters of Administration to the estate of the deceased to the petitioner, subject to the Registrar General certifying payment of court fees as contemplated under Rule 9 of Chapter XXX of the Rules of the Court and on his executing administration bonds in accordance with Chapter XXX Rule 26 of the Rules of the Court. The petitioner will thereafter comply with rules and submit the statement of accounts in the Court in accordance with the rules.

19. Accordingly the letter of administration is granted with the Will annexed upto the credits and estate of deceased Late Swami Pratagyananda Ji alias Mahesh Maharaj in favour of Ramakrishna Mission Home of Service through its Secretary and duly constituted attorney Swami Bhedatitananda. The petitioner will thereafter comply with rules and submit the statement of accounts in the Court in accordance with the rules.

20. The petition is allowed accordingly.

Order Date :- 24.11.2023

V.S.Singh