

IN THE HIGH COURT OF JUDICATURE AT PATNA
Test Case No.3 of 2014

In The Goods of Late Smt. Shanti Singh, Wife of Sri Kameshwar Singh, Resident of Ami, P.S.- Dighwara, District- Saran and At Mohalla-Mandiri, Road No. 23, S.K.Nagar, P.S. Budha Colony, Town And District Patna.

AND

In the matter of an application under Sections 273 and 276 of the Indian Succession Act for grant of Probate of the Will dated 05.07.2009 registered on 24.07.2009

AND

In the matter of Sanjeev Ranjan @ Santu, son of Sri Kameshwar Singh, resident of Ami, P.S.-Dighwara, District- Saran and at present Mohalla-Mandiri, Road No.23, S.K. Nagar, P.S.-Budha Colony, Town and District- Patna.

... .. Applicant

Appearance :

For the Petitioner/s : Mr. Subhdeep Das, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 15-01-2019

1. Heard learned counsel for the applicant.
2. The applicant namely, Sanjeev Ranjan @ Santu, has filed this application for grant of Probate / Letter of Administration of registered Will dated 05.07.2009 in his favour.
3. After registration of the case, general citations were published in two daily newspapers, namely, Times of India on 31.03.2014 and Prabhat Khabar on 29.03.2014 and the notices under registered cover were sent to the near relatives, namely Smt. Rashmi Singh, wife of Dr. K.K. Sinha, Nawratan Hata, Purnea, P.O.-Purnea, P.S.-Purnea Sadar (Kazanchi Hat), District-Purnea, and one Smt. Ranjana Singh, wife of Col. A.K.



Singh, resident of RZB-28, Mahabir Vihar, Sector-1, Dwarika, New Delhi, Pin-110045, but no objection was filed either by the near relatives mentioned in paragraph no.9 of this application or by any other person.

4. From the averments made in this application, it appears that the property of the present case was an acquired property of testatrix late Smt. Shanti Singh, wife of Sri Kameshwar Singh, both do have three sons and two daughters; first son, namely Prakash Ranjan has died on 03.01.2011 while living along with the testatrix, namely, late Smt. Shanti Singh alone. As the marriage of Prakash Ranjan had broken, led to divorce from his wife in the year 2001. As per the information, his divorcee wife and daughter have left India and they are traceless. The second son of testatrix namely, Rajiv Ranjan @ Mantu is also traceless since 1998, his wife also deserted along with his daughter in the year 1997 and their whereabouts are not known to the applicant. A missing entry was also made in Kadamkuan Police Station in July, 1998, which was registered as Kadamkuan P.S. Case No.145 of 1999 under Section 364 of the Indian Penal Code, which culminated in Sessions Trial No.64 of 2011 and finally closed the case in the year 2013 from the Court of the A.D.J., Patna City. Finally, the testatrix, namely,



late Smt. Shanti Singh has left for heavenly abode on 11.12.2013 leaving behind the applicant and her two daughters. Their details have been given as Smt. Rashmi Singh and Smt.Ranjana Singh.

5. Three witnesses have been examined, namely, Kishore Kumar Thakur, Advocate, as A.W.-1, Sanjeev Ranjan @ Santu, present applicant, as A.W.-2 and Ashok Shankar Singh as A.W.-3. Witnesses have also proved the entire Will as Exhibit-1/1. The signature of late Smt. Shanti Singh as Exhibit-1. Signature of Kishore Kumar Thakur, Advocate, as Exhibit-1/2 and signature of Dr. Ashok Shankar Singh as Exhibit-1/3 and signature of Sri Kameshwar Singh as Exhibit-1/4. All the witnesses have appeared before the Court and deposed accordingly.

6. A.W.-1, namely, Kishore Kumar Thakur, Advocate, has deposed that the testatrix was known to him and she has testated the registered deed on 05.07.2009 in favour of Sanjeev Ranjan @ Santu, applicant, her youngest son, in his presence as well as in presence of Ashok Shankar Singh, Associate Professor and in presence of her husband, Sri Kameshwar Singh. This witness also deposed that late Smt. Shanti Singh, after understanding the contents of the Will, put her signature on



every page of the Will in his presence as well as in presence of aforesaid persons and the entire document of the Will was marked as exhibited- 1/1. He further deposed that after execution of the Will in their presence, late Smt. Shanti Singh requested the aforesaid attesting witnesses to put their respective signatures on the Will, accordingly, this witness and other attesting witnesses put their signatures and this witness has recognized his signature and the signature of Ashok Shankar Singh as Exhibits- 1/2 and 1/3 respectively. This witness also deposed that at the time of execution of the Will late Smt. Shanti Singh was in good health and sound mind.

7. Sanjeev Ranjan @ Santu, applicant, has examined himself as A.W.-2, stated that his mother had executed the Will in his favour on 05.07.2009 and the same was registered on 24.07.2009 before the Sub-Registrar at Patna. He has recognized the Will, which has been marked as Exhibit-1/1. Further deposed that his mother died on 11.12.2013 and the Will is in the handwriting of his father, who has also put his signature on the Will as scribe and recognized his signature as Exhibit-1/4 and also recognized the signatures of Kishore Kumar Thakur, Advocate and Ashok Shankar Singh as Exhibits-1/2 and 1/3 respectively. This witness also deposed that before the



Registry Office his father had identified his mother. The photographs have been affixed at the back side of page no.1 of the Will. This witness further deposed that at the time of execution of the Will, his mother was mentally and physically fit and his elder brother namely, Prakash Ranjan died in the year 2011. Wife and children of his elder brother are traceless as well as his brother has already divorced his wife. It has further been deposed that his another brother, Rajiv Ranjan is traceless from the year 1998, his wife is also traceless and a missing report with respect to his brother has been filed in the Police Station. This witness further deposed that the present Will is the last Will of his mother.

8. A.W-3, namely, Ashok Shankar Singh, has deposed before this Court that the testatrix was known to him for last 40 years as she was his co-villager, has testated the Will on 05.07.2009 in favour of present applicant in presence of Sri K.K. Thakur, Advocate and Sri Kameshwar Singh, her husband. The Will was registered on 24.07.2009. He has further deposed that the Will contains the signature of late Smt. Shanti Singh, K.K. Thakur, Advocate, Kameshwar Singh and also his signatures. He has also recognized the signatures of other persons on the Will. Further Stated that late Smt. Shanti Singh



had put her signature on the Will in his presence and in presence of all other attesting witnesses and all the witnesses have put their respective signatures on the request of late Smt. Shanti Singh. It has further been deposed that the testatrix was mentally and physically fit and she died after four years of execution of the Will. This witness further stated that late Smt. Shanti Singh has died on 11.12.2013.

9. The present Will is the registered Will, general citations were published in two daily newspapers, namely, Times of India on 31.03.2014 and Prabhat Khabar on 29.03.2014 and the notices under registered cover as special citation were sent to the near relatives, namely Smt. Rashmi Singh and Smt. Ranjana Singh, but no objection from any corner has been filed in the present case. All the witnesses before the Court have deposed that the testatrix has executed the Will after fully understanding the contents of the Will and at the time of execution of the Will the testatrix was mentally and physically fit. The Will has been scribed by her husband in her presence. The testatrix has testated the Will in presence to two witnesses, namely, Kishore Kumar Thakur, Advocate and Ashok Shankar Singh and on her request they put their respective signatures on the Will. A.W.-2, namely, Sanjeev Ranjan @



Santu, has deposed that his father was scribed the Will, his father along with his mother had gone to the Registry Office where he identified the signature of his mother and in the back side of the Will bears the photographs. The Will contents the signature of late Smt. Shanti Singh on each page, which is marked as Exhibit-1/1.

10. From the aforesaid discussions, it is very much clear that late Smt. Shanti Singh after fully understanding the contents, without any pressure or fear has testated the Will in favour of the applicant in a full conscious state of mind and no one has come forward to raise any objection to grant the Probate of the Will in favour of the applicant.

11. Accordingly, this application is allowed. Let the Letter of Administration to Will / grant of probate dated 05.07.2009 be issued in favour of applicant of this case with a copy of the Will annexed therewith, which shall have an effect throughout the territory of India.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	18.01.2019
Transmission Date	

