

IN THE HIGH COURT OF JUDICATURE AT PATNA
TEST CASE No.9 of 2016

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In the matter of Goods of Late Renuka Sinha, wife of Late Ram Janma Sinha, Resident of A-10, Budha Colony, P.S.-Budha Colony, PO-GPO, Town & District-Patna.

AND

In the matter of an application filed under Sections 276 & 279 r/w 300 of the Indian Succession Act for grant of Letter of Administration of the Will dated 10.12.2010.

AND

In the matter of an application filed by

1. Ajoy Sinha, Son of Late Ram Janma Sinha, Resident of G-27 Sector-25, Jalvayu Vihar, PO & P.S.-Noida (U.P.)
2. Sanjay Sinha, Son of Late Ram Janma Sinha
3. Aditya Sinha (minor), Son of Sanjay Sinha, under the guardianship of his father. Both are residents of Flat No. 2, Bldg 2 B, Neptune Apartments, Opp Hotel Sea Princess, Juhu Tara Road, P.O. & P.S.-Juhu, Mumbai-400049.
4. Dr. Ranjana Singh, Wife of Late N. K. Singh & Daughter of Late Ram Janma Sinha, Resident of Polytechnic Road, Baker Bandh, P.O. & P.S.-Dhanbad, District-Dhanbad.

.....Applicants

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Appearance :

For the Petitioner/s	:	Mr. Jitendra Prasad Singh, Sr. Adv. Mr. Prabhat Kumar Dipak, Adv.
For the Respondent/s	:	Mr.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 30-01-2025

Heard learned senior counsel appearing on behalf of the applicants and perused the record.

02. This application has been filed under Sections 276 & 279 r/w 300 of the Indian Succession Act for grant of Letters of Administration of the Will dated 10.12.2010 executed by late Renuka Sinha, and notarized on 14.01.2014. The Will has been executed in favour of the applicants, namely Ajoy Sinha & Sanjay Sinha, both sons of Late Ram Janma Sinha, Aditya Sinha



son of Sanjay Sinha and Dr. Ranjana Singh wife of Late N. K. Singh, respectively.

03. This Court vide order dated 20.04.2018 directed the applicants to take steps for publication of general citation in two local daily newspapers and as there was no near relative of the testatrix save and except the applicants, there was no need for issuance of special citation. Thereafter, affidavit filed on behalf of the applicants in support of publication of general citation in *Times of India* (English) and *Dainik Bhaskar* (Hindi), both dated 12.05.2018, was accepted and was kept on record.

04. In order to substantiate the claim made in the instant testamentary application, altogether four witnesses, including one attesting witness of the Will, have been examined on behalf of the applicants, namely (i) Sanjay Sinha (AW-1), (ii) Ajoy Sinha (AW-2), (iii) Mayur Rathore (AW-3) and (iv) Dr. Ranjana Singh wherein AW-1, AW-2 and AW-4 are themselves the applicants of the case and AW-3 is the attesting witness of the Will.

05. AW-1, Sanjay Sinha, has been examined on 17.10.2024. He has stated in his evidence that the contents of examination-in-chief filed by him on affidavit are true and correct and he is the applicant/legatee no. 2 in the present case.



This witness, in his examination-in-chief, stated that the testatrix, Renuka Sinha, was his mother, who died on 06.07.2012 in Mumbai. He further stated that his mother (testatrix) executed the Will on 10.12.2010 in favour of the applicants of the present case and there were two attesting witnesses, namely, Dr. B.K. Singh and Mr. Mayur Rathore, to the Will. He further stated while executing the Will, the testatrix was in sound mental and physical condition and the Will was the last Will of the testatrix. He also stated that prior to execution of the Will, testatrix had been suffering from Cancer and she was treated and she again became healthy. He further stated that the Will was prepared in duplicate and the original copy was notarized and one true copy was also prepared upon which the testatrix and the attesting witnesses have put their signatures at the same time. This witness identified the notarized Will dated 10.12.2010 and its true copy executed by the testatrix, namely, late Renuka Sinha, which have been marked as Exhibit-1 and Exhibit 1/1, respectively. He also identified the signature of testatrix, Renuka Sinha, on each page of the Will, which have been marked as Exhibit-2 series. This witness also identified the signatures of the attesting witnesses, Dr. B.K.Singh and Mr. Mayur Rathore, over the Will, which have



been marked as Exhibits-3 and 4, respectively. Upon specific query by the Court, he stated that after the Will was prepared but prior to filing the Will for grant of probate/letters of administration, the same was sent to Mumbai and the Will was notarized by one Ajay R. Chaudhary on 14.01.2014 after the death of testatrix, late Renuka Sinha.

06. AW-2, Ajoy Sinha, has been examined on 17.10.2024. He has stated in his evidence that the contents of examination-in-chief filed by him on affidavit are true and correct. He, in his examination-in-chief, stated that he is the applicant/legatee no. 1 in the present case and the testatrix, Renuka Sinha, was his mother, who died on 06.07.2012 in Mumbai. He further stated that his mother (testatrix) executed the Will on 10.12.2010 in favour of the applicants of the present case and there were two attesting witnesses, namely, Dr. B.K. Singh and Mr. Mayur Rathore, to the Will. He further stated that the Will was not prepared before him and at the relevant time, he was at Noida. This witness further categorically stated that at the time of execution of the Will, the testatrix was mentally and physically fit and the Will was the last Will of the testatrix. This witness identified the notarized Will dated 10.12.2010 and its true copy executed by the testatrix, namely, late Renuka Sinha,



which have already been marked as Exhibit-1 and Exhibit 1/1, respectively. He further identified the signatures of the testatrix on each page of the Will, which have already been marked as Exhibit-2 series. He also stated that though he knew the witnesses but he could not identify their signatures since he has previously not seen their signatures.

07. AW-3, Mayur Rathore, one of the attesting witnesses of the Will, has been examined on 17.10.2024. He has stated in his evidence that the contents of examination-in-chief filed by him on affidavit are true and correct. This witness, in his examination-in-chief, stated that he is a Chartered Accountant and he used to file ITR of testatrix, Renuka Sinha, and her husband. He further stated that he was called to witness the Will at the residence of the daughter of testatrix, namely, Dr. Ranjana Singh on 10.12.2010 at around 11:00 AM. He clearly stated that when he went to witness the Will, the testatrix, Renuka Sinha was in good mental and physical condition. The witness further stated that the Will was prepared beforehand and when he went there, the testatrix asked him to witness the Will and she read the Will and put her signatures over the Will in presence of this witness and thereafter, this witness also put his signature on the last page of the Will. He further stated that



apart from him, one Dr. B.K. Singh also witnessed the Will. This witness identified the notarized Will dated 10.12.2010 and its true copy executed by the testatrix, namely, late Renuka Sinha, which have already been marked as Exhibit-1 and Exhibit 1/1, respectively. He also identified the signature of testatrix, Renuka Sinha, on every page of the Will, which have already been marked as Exhibit-2 series. This witness also identified the signature of another attesting witnesses, Dr. B.K.Singh as well as his own signature at the last page of the Will, which have already been marked as Exhibits-3 and 4, respectively.

08. AW-4, Dr. Ranjana Singh, has been examined on 17.10.2024. She has stated in her evidence that the contents of examination-in-chief filed by her on affidavit are true and correct. This witness, in her examination-in-chief, stated that she is the applicant/legatee no. 4 in the present case and the testatrix, Renuka Sinha, was her mother and she died on 06.07.2012 in Mumbai. She further stated that her mother (testatrix) executed the Will on 10.12.2010 in favour of the applicants of the present case and there were two attesting witnesses, namely, Dr. B.K. Singh and Mr. Mayur Rathore, to the Will. She also stated that Dr. B.K. Singh used to treat her



mother during her lifetime. Dr. B.K. Singh is still alive but he lives abroad. This witness further categorically stated that at the time of execution of the Will, the testatrix was mentally and physically fit and the Will was the last Will of the testatrix. She identified the notarized Will dated 10.12.2010 and its true copy, which have already been marked as Exhibit-1 and Exhibit 1/1, respectively. She further identified the signatures of her mother (testatrix), Renuka Sinha, on each and every page of the Will, which have already been marked as Exhibit-2 series. She also identified the signatures of attesting witnesses, namely, Dr. B.K. Singh and Mr. Mayur Rathore, which have already been marked as Exhibits-3 and 4, respectively.

09. It has been submitted by the learned senior counsel appearing on behalf of the applicants that late Renuka Sinha executed the Will dated 10.12.2010 voluntarily in good physical health and sound state of mind, after understanding the contents of the Will, without any undue influence or coercion of anybody, in presence of two attesting witnesses, namely, (i) Dr. B.K. Singh, son of Sri Rabindra Deo Singh, resident of Shanti Colony, Saraidhella, P.O. & P.S.-Saraidhella, District-Dhanbad and (ii) Mr. Mayur Rathore, son of Puran Rathore, resident of Telephone Exchange Road, Dhanbad, P.S.-Bank More, District-



Dhanbad. The said testatrix, late Renuka Sinha, was a Hindu governed by the Mitakshara School of Hindu Law and was permanently residing at A/10, Budha Colony, P.S.-Budha Colony, District-Patna, which is within the jurisdiction of this Court. The testatrix, Renuka Sinha, died on 06.07.2012 at about 09:00 PM in Mumbai and the Will dated 10.12.2010 is the first and last Will and testament of the testatrix. The testatrix was the mother of applicant nos. 1, 2 and 4 and the grandmother of applicant no. 2 and she died leaving behind the applicants as her legal heirs/representatives. The property covered under the Will, as mentioned in Schedule-I of the plaint, were the self acquired property of the husband of the testatrix, who predeceased her, and the testatrix, and on that authority, the testatrix bequeathed the property through a Will in favour of her legal heirs (applicants). The applicants have been named as the beneficiaries/legatees of the Will dated 10.12.2010 executed by the testatrix and after death of the testatrix, they came in peaceful possession of the property bequeathed under the Will. The amount of asset, which are likely to come in the hands of the applicants is approximately Rs. 80,00,000/- (eighty lacs rupees), which is mentioned in the plaint. It has further been submitted that the applicant nos. 1, 2 and 4 have verified the



instant application for grant of Letters of Administration under Section 281 of the Indian Succession Act, which are annexed with the petition. It has also been submitted that the applicants have not moved any application earlier to this Court or any other court for grant of probate or letters of administration of the Will dated 10.12.2010.

10. Learned senior counsel for the applicants further submits that in this case general citations were also published in two daily local newspaper but none appeared to oppose the grant of letters of administration in favour of the applicants. Learned counsel further submits that another attesting witness of the Will, namely, Dr. B.K. Singh is still alive but he lives abroad and since one of the attesting witness has been produced and examined before this Court, there is no need for examination of other attesting witness. However, the examination-in-chief on affidavit of Dr. B.K. Singh has been filed, who also supported the case of the applicants. Thus, in the present case, the Will has been proved according to provisions of Indian Evidence Act by the witnesses for the applicants including one of the attesting witnesses of the Will and the Will has been correctly proved. It has also been proved by the witnesses that the testatrix was in sound state of body and mind at the time of execution of Will on



10.12.2010. There is no scope of any suspicion nor anybody has challenged the Will in question.

11. Having regard to the aforesaid facts and circumstances and considering the submission made by the learned counsel for the applicants, I am of the view that the witnesses for the applicants including one of the attesting witnesses have proved the Will. All witnesses in categorical terms have stated that at the time of execution of Will, Late Renuka Sinha was in a good physical and mental health and she voluntarily executed the Will in favour of the legatees/applicants, completing the formalities and her signature has also been identified by the witnesses.

12. On analysis of the evidence(s) which have been deposed by the witnesses, it is very much clear that late Renuka Sinha, in good state of conscious mind, without any coercion and pressure, fully understanding the contents of the Will, had put her signatures on each page of the Will and on her request the attesting witnesses put their respective signatures in the body of the Will and subsequently, the Will dated 10.12.2010 got notarized on 14.01.2014, which has been proved by the witnesses as discussed herein-above. Hence, I am of the considered view that the testatrix, Late Renuka Sinha, executed



the Will in favour of legatees/beneficiaries, namely Ajoy Sinha, Sanjay Sinha, Aditya Sinha and Dr. Ranjana Singh (applicants), respectively in a proper state of mind with proper understanding of the contents of the Will.

13. Accordingly, this application is allowed. Let the Letters of Administration of the Will dated 10.12.2010 be issued in favour of applicants of this case with a copy of the Will annexed thereof, which shall have effect throughout the territory of India.

(Arun Kumar Jha, J)

Ashish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.02.2025
Transmission Date	NA

