

21-05-2025
Item no.16
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Civil Revisional Jurisdiction

CO No.1694 of 2025
Durga Chakraborty
-vs-
Gopal Chakraborty & Ors.

Mr. Bhaskar Chandra Manna ...for the petitioner

This application under Article 227 of the Constitution is at the instance of plaintiff and is directed against an order dated February 20, 2025 passed by the learned Additional District Judge, 2nd Court at Bangaon, North 24 Parganas in O.S. No.39 of 2015.

By the order impugned, an application filed by the petitioner praying for a direction upon the PW3, namely Sukumar Das, the attesting witness of the will executed by Bela Rani Chakraborty, to appear before the court and to provide his Bengali signature for forensic test stood rejected.

Mr Manna, learned counsel representing the petitioner, submits that the said witness during his evidence denied that he has signed in the will as an attesting witness. He further submits that the signature of Sukumar Das as appearing in the will executed by Bela Rani Chakraborty is to be compared with the Bengali signature of Sukumar Das collected through the intervention of the court.

It appears from the record that Sukumar Das adduced evidence in the said suit and during his evidence he has categorically stated that he did not put any signature as Sukumar Das as found in the will. He also

denied that he identified the LTI of Bela Rani Chakraborty in the will.

It is well settled that it is for the propounder to prove the valid execution of the will. This court finds that the learned trial judge assigned cogent reasons for rejecting the application filed by the petitioner.

Accordingly, this court does not find any reason to interfere in the impugned order.

With the above, CO No.1694 of 2025 stands disposed of.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

Certified copy of this order, if applied for, shall be made available to the parties.

[Hiranmay Bhattacharyya, J]