

1612 B dt. 19.2.2020  
05/3/20

In the Ld. Chief Bench of the City Civil Court at Calcutta.

Probate Case No. 50 of 2018

In the Goods of :-

Jyoti Kr. Nahar ... Deceased

-And-

Nirmala Nahar ... Petitioner.



1. Date of application for copy ..... 19.2.2020
2. Date fixed for notifying the requisites stamps ..... 05.3.2020
3. Date of delivery of the requisites stamps ..... 05.3.2020
4. Date on which the copy was ready for delivery ..... 05.3.2020
5. Date of making over the copy to the applicant ..... 05.3.2020
6. Cost of copy ..... Rs. Seventeen & paise fifty only.
7. Number of Xerox sheets used ..... 8 sheets xerox paper used.



969162 dt. 28-11-19.  
04/12/19

In the Ld. Chief Bench of the City Civil Court at Calcutta.

Probate Case No.50 of 2018

In the Goods of :

Jyoti Kr. Nahar ... Since Deceased

-And-

In the matter of :-

Smt. Nirmala Nahar ... Petitioner



1. Date of application for copy ..... 28.11.19.
  2. Date fixed for notifying the requisites stamps ..... 04.12.19.
  3. Date of delivery of the requisites stamps ..... 04.12.19.
  4. Date on which the copy was ready for delivery ..... 04.12.19.
  5. Date of making over the copy to the applicant ..... 05-12-19.
  6. Cost of copy ..... Rs. Four & paise seventy five only.
- Number of Xerox sheets used ..... 3 sheets xerox paper used.



Probate Case No.50 of 2018Present : Sri A.K Gupta, Chief Judge.Order No.12, dated 05.08.2019

Petitioner files hazira through his Ld. Advocate.

The record is taken up today for final order.

This is a Case filed by the Petitioner/Applicant namely, Smt. Nirmala Nahar for granting Probate of the Will and Testament dated 27.07.2001, executed by the deceased/testator - Jyoti Kr. Nahar (since deceased).

The Petitioner's case, in brief, is that - Jyoti Kr. Nahar (the deceased/testator) S/o of Late Jay Singh Nahar, was lastly residing at 5B, Indian Mirror Street, Kolkata-13, P.S. Taltolla, died on 23.04.18, leaving behind his wife namely, Smt. Nirmala Nahar, Son namely, Shri Manish Nahar and one married daughter namely Smt. Cinni Kothari, as his legal heirs, heiress and legal representatives and none else. Before the death of the deceased/testator, executed a last Will and Testament on 23.04.18, by which he appointed the petitioner as an Executrix in respect of the said Will and it was registered before the Registrar of Assurance at Calcutta on 27.07.2001. The mother of the said deceased/testator namely, Meena Kumari Nahar died on 24.04.1997.

It is also the case of the Petitioners that the Petitioner has not filed any other application in any other court for granting of Probate in respect of the bequeathed properties. So, she has prayed for granting of probate of the Will and Testament dtd. 27.07.2001 in her favour.

In order to prove her case, the Petitioner has filed four (4) sets of Evidence-in-Chief in the form of Affidavit, under Order 18, Rule 4 of the C.P.C. The petitioner has been examined as P./W-1, one attesting witness namely, Kamesh Patoary has been examined as P./W-2 and two consentees namely, Sri Manish Nahar and Smt. Cinni Kothari have been examined as P.W.3 and P.W.4 respectively. They have been produced some documents such as-

The original voter identity card of Smt. Nirmala Nahar along with her self signed xerox copy of the same (Exbt.1). The Original Death Certificate of Jyoti Kumar Nahar (Ext.2). The original voter identity card of Kamesh Patoary along with his self signed copy of the same (Exbt.3). The Original last Will and Testament dtd.27.07.01 executed by Jyoti Kr. Nahar (since deceased) (Ext.4), signatures of the testator (Exbt.4/1 to 4/3 series) and the signature of the attesting witness and one another witness (Exbt.4/4 and Exbt.4/5 respectively). By filing Evidence-in-Chief, two consentees namely, Sri Manish Nahar and Smt. Cinni Kothari have given their consent for granting Probate in favour of the petitioner namely, **Smt. Nirmala Nahar** in respect of the last Will and Testament dtd. 27.07.01 executed by the said deceased/testator.



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e 4/12/19

Probate Case No.50 of 2018

Contd. ..Order No.12, dated 05.08.2019

It could be ascertained from the record that the court citation and newspaper publication have already been made on behalf of the applicant/petitioner but despite citation and newspaper publication none has come forward to raise any objection in the matter of granting Probate in favour of the applicant/petitioner.

It is evident from the evidence garnered on record that the deceased/testator, Late Jyoti Kumar Nahar was physically fit and mentally alert at the time of execution of the Will. I have nothing to disbelieve the unchallenged evidence adduced by the petitioner and the attesting witness.

Thus, banking upon the evidence adduced by the witnesses in support of the case. I do hold that the petitioner has been able to prove her case and as such, she is entitled to get probate of the Will as sought for.

In the result, the Case succeeds.

Court Fees have been paid.

Hence, it is :-

**ORDERED**


that the Probate Case be and the same is allowed ex-parte. The Petitioner/Applicant namely, Smt. Nirmala Nahar do get Probate of the Will dated 27.07.01 executed by the deceased/testator – Jyoti Kr. Nahar (since deceased).

The original Death Certificates be returned to the Petitioner/Applicant, if required, retaining photocopies of the same.

Let the Will be kept in safe custody of the Assistant-in-Charge (Probate Section) of the Office of this Court.

Dictated & corrected by me,

  
Chief Judge.

  
Chief Judge,  
City Civil Court, Calcutta.



The Xerox Certified Copy Prepared by  
*Ratan Chandra*  
04.12.19

Examined and found to be a  
true copy and *correctly*  
*Sammishta Bhattacharya*  
04.12.19  
Comparing Clerk  
City Civil Court  
Calcutta

CERTIFIED TO BE A TRUE COPY

*Navayan Ch. Sengupta*

HEAD COMPARING CLERK  
Authorised under Section  
76. Act 1 of 1872

04.12.19



WILL-  
Attestation done under 21 Section  
Registered under 17(1) Section  
Notary Public, West Bengal  
Notary Public, West Bengal

for 27/7/01

C(11) 187

THIS IS THE LAST WILL AND TESTAMENT made this 27<sup>th</sup> day of July Two Thousand One of SRI JYOTI KUMAR NAHAR son of Late Jay Singh Nahar, aged about 63 years, by Caste Jain Oswal, by occupation business, residing at 5B, Indian Mirror Street, Kolkata - 700 013.

I hereby revoke all former WILL AND TESTAMENTARY dispositions at any time here before made by me and declare this to be my last WILL AND TESTAMENT.

I have my wife Smt. Nirmala Nahar, one son Manish Nahar and one daughter Smt. Cinni.

That all properties Jewelleries movables and immovables possessed by me, in whatever place and in whatever shape and capacity I have full testamentary power over them.

It is my wish and desire that after my death my son Sri Manish Nahar shall be entitled to my estates, movebles or immovables and effect thereof with the conditions that my son Manish Nahar can not sell, mortgage, bequeath my immovable property i.e. undivided share of the dwelling house which I have partly inherited and partly acquired by gift from my

Case No. 50/1/2018  
Exbt. No. 7  
Chief Judge  
City Civil Court, Calcutta

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16/2 E.Ct. 19.2.2020

5/3/20

11/3/20

Perab - 50/2018  
Ext - 1/1

Chief Judge  
24/09/19

*[Handwritten signature]*  
Syrithumamalar

27/7/01

Perab - 50/2018  
EXT - 9/2

Chief Judge  
24/09/19

*[Handwritten signature]*  
Syrithumamalar

SV Ravi Prasad  
Prabhu  
Oranian  
SRSB  
Murali RAO

413

*[Handwritten signature]*  
Syrithumamalar

Perab Case No. 50, 2018  
Exbt. No. 9/2

Chief Judge  
City Civil Court, Calcutta

*[Handwritten signature]*

Aloha Banerjee  
Advocate  
Calcutta

Aloha Banerjee Advocate  
High Court at Calcutta.

*[Handwritten signature]*  
27/7/01



16/2 Edt. 19.2.2020

5/3/20

- 2 -

sister being Premises No. 5B, Indian Mirror Street, Kolkata - 700 013 without written permission of my wife Smt. Nirmala Nahar and my wife shall have the right of residence in my immovable property during her lifetime.

Accordingly I declare my son Manish Nahar as the sole beneficiary and legatee of my this WILL.

I hereby accordingly appoint my wife Smt. Nirmala Nahar as to be the Executor of this my WILL.

That if the above-named Executor dies before the administration of my estate as per this WILL is completed or pre-deceased me, then my son Manish Nahar shall act as the executor and give effect to the bequest made under this WILL.

I hereby leave, give, desire and bequeath absolutely and forever to my only son Manish Nahar, his heirs, executors and administration for his use, benefit, absolutely and forever all my properties including my tenancy right at 5/1, Acharya Jagadish Chandra Bose Road, Calcutta and proprietorship business with all assets, stocks and credits both movebles and immovable of whatever character situate including reversions expectancy and future assets if any, acquired by me subject to the condition that my son shall not sell, mortgage or bequeath my dwelling

Contd.....p/3



2/3/20

house being premises No. 5B, Indian Mirror Street, Calcutta - 700 013 without the written consent of my wife and my wife shall have the right of residence during her life time in my immovable property.

If my son Manish Nahar pre-deceased me, then my entire estate both movable and immovable shall devolve and be given to my wife Smt. Nirmala Nahar.

I further direct that my debts due to the Government and/or other dues or any other tax payable by me or for my estate, funeral expenses, expenses for administration of my estate and other expenses relating to my Estate shall be paid or met out of the cash in hand at the time of my death and by selling other assets left by me.

I execute this my last WILL AND TESTAMENT in full possession of my faculty and without any influence from anybody.

IN WITNESS WHEREOF I, the said Sri Jyoti Kumar Nahar have hereto signed my name at the end of this my Last WILL AND TESTAMENT at the premises No.5B, Indian Mirror Street, Kolkata - 700 013 in sound health and mind on the day, month and year above written in the presence of Witnesses herein below, who at my request and in my presence and in

Contd.....p/4





1612 B.O. 19.2.2020  
5/8/20

house being premises No. 5B, Indian Mirror Street, Calcutta - 700 013 without the written consent of my wife and my wife shall have the right of residence during her life time in my immovable property.

If my son Manish Nahar pre-deceased me, then my entire estate both movable and immovable shall devolve and be given to my wife Smt. Nirmala Nahar.

I further direct that my debts due to the Government and/or other dues or any other tax payable by me or for my estate, funeral expenses, expenses for administration of my estate and other expenses relating to my Estate shall be paid or met out of the cash in hand at the time of my death and by selling other assets left by me.

I execute this my last WILL AND TESTAMENT in full possession of my faculty and without any influence from anybody.

IN WITNESS WHEREOF I, the said Sri Jyoti Kumar Nahar have hereto signed my name at the end of this my Last WILL AND TESTAMENT at the premises No.5B, Indian Mirror Street, Kolkata - 700 013 in sound health and mind on the day, month and year above written in the presence of Witnesses herein below, who at my request and in my presence and in

Contd.....p/4



the presence of each other have subscribed their names and Witnesses hereto.

Signed by the said Sri Jyoti Kumar Nahar as his Last WILL AND TESTAMENT in our presence at the same time and each of us in presence of the Testator we subscribe our respective name and signature as attesting Witnesses :

Case No. 50, 2018  
Exbt. No. 1/5  
Chief Judge  
City Civil Court, Calcutta

1. Sudarshan Bader  
4, Golaghat Road  
Swam Apartment Flat 2E  
Kolkata: 700048

Syounumamahar

TESTATOR  
Case No. 50, 2018  
Exbt. No. 1/3  
Chief Judge  
City Civil Court, Calcutta

2. Kamesh Patoary  
c/o N.C. Patoary  
P.O. Azimganj  
Dist. Medn  
Pin- 942122  
W.B

Case No. 50, 2018  
Exbt. No. 1/4  
Chief Judge  
City Civil Court, Calcutta

Drafted by me :

Mishu Lal Banerjee  
Advocate 298770

Typed by : Sanhaj Mazik  
12/1, Old Post Office Street  
Calcutta - 700 001

Handwritten text at the top left corner, possibly a date or reference number.

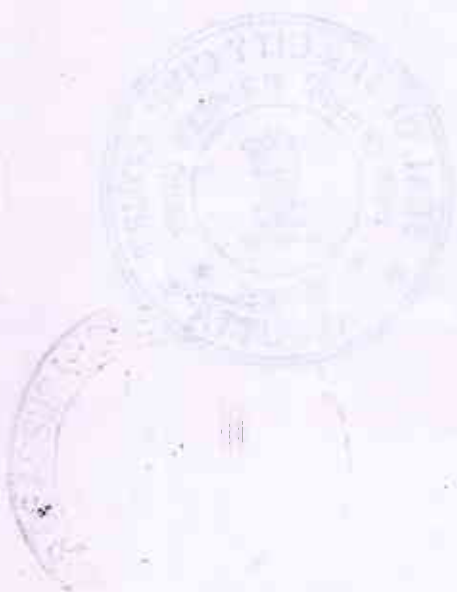


1612 B. 19. 2-2070  
5/13/20

HLF

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DATED THIS 27<sup>th</sup> DAY OF July 2001  
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Registered in  
Book No. III  
Volume No. I  
Page No. 144 - 148  
Date 19  
2001



W I L L

O F

JYOTI KUMAR NAHAR

Handwritten signature

4-12-01

No. 1



Mihirlal Banerjee & Co. Chartered Accountants

07-08-050

27/7/01

Mihirlal Banerjee, Advocate  
8/2, Kiron Sankar Roy Road,  
Kolkata - 700 001

@@



The Xerox Certified Copy Prepared by  
*Ratan Chandra Roy.*  
05.3.2020

Examined and found to be a  
true copy and correctly stamped

*Sarmistha Bhattacharya*  
Comparing Clerk  
City Civil Court  
05.3.20

CERTIFIED TO BE A TRUE COPY

*Narayan Ch. Mandal,*

HEAD COMPARING CLERK  
Authorised under Section  
76, Act 1 of 1872

05-03, 2020.