

Misc.(P) 51/18

19.02.2021

The learned counsel for the petitioner is represented.

This proceeding u/s 276 of Indian Succession Act, 1925, is initiated by petitioner Inamul Hussain, S/o Mahibuddin Ali, Village Dhupdhara Part-II, P.S. Dhupdhara, Dist. Goalpara. Elikjan Bewa, Sofiun Bewa and Malekjan Bibi are the Opp. Party in this proceeding.

According to the petitioner, the will displayed in this proceeding, annexed with this petition, was the testament of deceased Rezia Bibi who died on 18.07.2018. It is further stated that the said will was executed by the deceased on 10.03.2018 in respect of the property i.e. the land measuring 1 Katha 2 Lechas covered by Dag No.400, Patta No.27 situated in the Revenue Village Dhupdhara Rajah Sahar Part-II under Rangjuli Revenue Circle, District Goalpara, Assam bounded by North: Land of Praneswar Misra, South: 37 No. National High Way, East: Model Hospital Road and West: Jognarayan Pathak, which has been mentioned in the schedule of the petition. It is also stated that the deceased Rezia Bibi had three sisters i.e. the defendants and one brother, namely Mohibuddin Ali, one of the witnesses, and except them no other heirs left behind. The petitioner has prayed to this court for grant of probate in respect of the properties which are shown in the schedule of the said Will.

On perusal of the case record, it appears that notices were properly served. Initially, the Opp. Parties submitted their written statement. But, later on, the petitioner and all the three Opp. Parties have filed a joint petition, vide petition No.38/21, under Order-23 Rule-

3 of the C.P.C. stating that they have amicably settled their dispute outside the court in respect of the Will Property as mentioned in the schedule of the petition and they have no objection if the probate is granted in the name of the petitioner Inamul Hussain in respect of the said property.

I have already heard the learned counsels for the petitioner and the Opp. Parties. I have also perused the Will, death certificate of the deceased and the land valuation certificate issued by the Circle Officer, Rangjuli Revenue Circle, Rangjuli and find that there is no impediment in allowing the prayer of the petitioner as prayed for.

Accordingly, it is directed that a certificate be issued in favour of petitioner Inamul Hussain, S/o Mahibuddin Ali, Village Dhupdhara Part-II, P.S. Dhupdhara, District Goalpara, Assam in respect of the properties which have been specifically described in the schedule of the petition on payment of requisite court fees.

The Misc. Case is disposed of accordingly.

District Judge
Goalpara