

P.No. 3037
Eighteenth
AN 12/89
D.A. 10/08

District:- Hazaribag
In the Court of Addl. District Judge, Fast Track Court No.8,
Hazaribag

Presents:- Binoy Kant Khan
Addl. District Judge
Fast Track Court No.8,
Hazaribag

Hazaribag, dated this the 20th day of August, 2008

Probate 14/06

- 1. a. Abhimanyu Yadav
- b. Jitendra Yadav
- c. Birendra Yadav

all sons of late Lakshman Gope

2. Kishori Gope S/o late Raghu Gope.....Petitioners

Vrs.

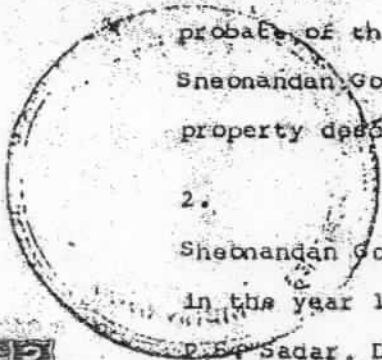
.....Opp. Party

Petitioners
Lawyer for the Petitioners - Sri Javed Akhtar, Advocate
For the Opp. Party

ORDER

1. The above named petitioners have filed this case U/s 276 of the Indian Succession Act for granting probate of the registered Will dt. 8.2.1961 executed by Sneonandan Gope to Lakshman Gope and Kishori Gope for the property described in the schedule.

2. The petitioners have made out a case that Sneonandan Gope who made his last Will and testament that in the year 1974 in his house at Gwaltoli, Bara Bazar, P.P. Sadar, District Hazaribag. Under the aforesaid Will the deceased Sneonandan Gope bequeathed his property described in the schedule to the petitioners named above under facts and circumstances disclosed and narrated in the will Ext- 1. It is further stated that the valuation

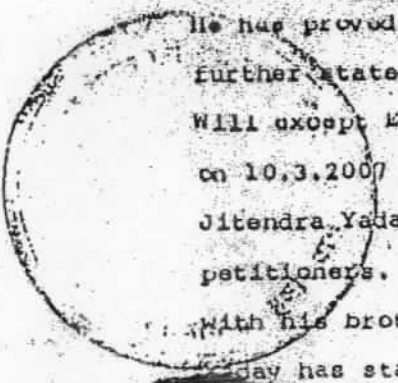


Probate case 14/08

of the assets is worth Rs. 8 to 10 lakhs. It is further stated that late Sheonandan Gope died issueless having no heirs and the petitioners being the nephew of late Sheonandan Gope, deceased before his death executed his last Will regarding the schedule property in favour of the petitioners^{and} as such the petitioners are entitled to the grant of probate.

3. None appeared on behalf of the Opp. Party hence the case was fixed for ex-parte.

4. In support of the case, petitioners have examined three witnesses. PW 1 Abhimanyu Yadav has stated that his father Laksman Gope and his uncle Kishori Gope were the petitioners and Sheonandan Gope was his cousin grand-father who died 30 to 35 years ago. PW 1 further stated that Sheonandan Gope has executed a Will before his death in favour of his father and uncle Kishori Gope. In the said Will the schedule property is situated behind St. Columbus College which is about 2.23 acres which is under khata No. 159 and there are 4-5 plots in the said schedule property. PW 1 further stated that the said Will was registered written by Hindeshwari Pandey which was registered before Sub-Registrar, Hazaribag. He has proved the Will which has been marked Ext- 1. PW 1 further stated that Sheonandan Gope never executed any other Will except Ext- 1. PW 1 further stated that his father died on 10.3.2007 and he along with his brother Bixandra and Jitendra Yadav have been substituted and have been made petitioners. PW 1 further stated that as per the Will he along with his brother and uncle are the claimant. PW 2 Jitendra Yadav has stated that he is also one of the petitioners in the probate case. In the petition for probate he stated that Sheonandan Gope was his grand-father who executed a Will in favour of his uncle Kishori Gope and his father Laksman Gope. The said property is situated behind St. Columbus College bearing khata No. 159 plot No. 559, 560 area 2.23. acre. This

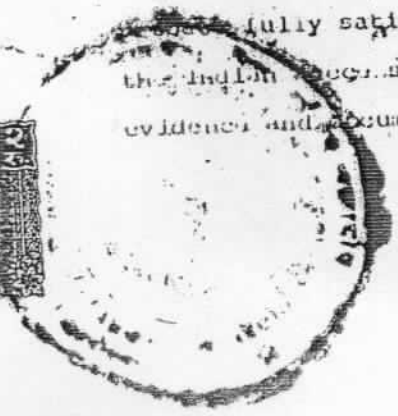


Probate case 14/06

witness further stated that in 1974 his grand-father died and before his death he did not executed any another Will except the present Will. PW 2 further stated that on 10.3.2007 his father died and after the death of his father his name and along with his brothers have been substituted as petitioners and he is the claimant of the Will executed by his grand-father. PW 3, Birendra Yadav has stated that Sneonandan Gope was his grand-father who died in 1974 who executed a Will of 2.23 acres situated behind St. Columbus College bearing Khata No. 159. PW 3 further stated that his grand-father Sneonandan Gope has executed a Will in favour of his father and uncle Kishori Gope. He also said that the Will was executed 34 to 35 years ago and no other will has been executed except the present will. PW 3 further stated that his father Lakshman Gope died on 10.3.2007 and thereafter he became the petitioner along his brothers.

5. In view of the aforesaid facts, documents filed on behalf of the petitioners and the evidences adduced by the petitioners it is crystal clear that late Sneonandan Gope died issueless having no heirs and he executed a Will in favour of Lakshman Gop and Kishori Gope. Lakshman Gope died on 10.3.2007 and thereafter his three sons Abhinav Yadav, Nitendra Yadav and Birendra Yadav were substituted as petitioners. It further appears that none has been made Opp. Party.

6. Thus, I find that the application for grant of probate fully satisfies the requirements of Section 276 of the Indian Succession Act and has been fully supported by evidence and documents and no objection has been raised



Probate No. 14/06

from any source.

7. Hence, this application for grant of probate of the Will as referred above is allowed. The probate of Will is granted in favour of the petitioners.



(Dictated)

Binoy Kant Khan
(Binoy Kant Khan) 20. 8. 08
Addl. District Judge
PTC-VIII, Hazaribag

(Dictated and corrected by me)

Binoy Kant Khan
(Binoy Kant Khan) 20. 8. 08
Addl. District Judge
PTC-VIII, Hazaribag.



Probate Case No. 1466

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C 41 13831

Mem. 1.75

Mem. 44

15.00

2239

8/11/61

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(वसीयत नाम)



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(6)

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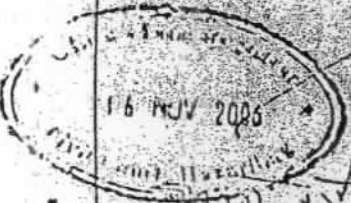
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(10)

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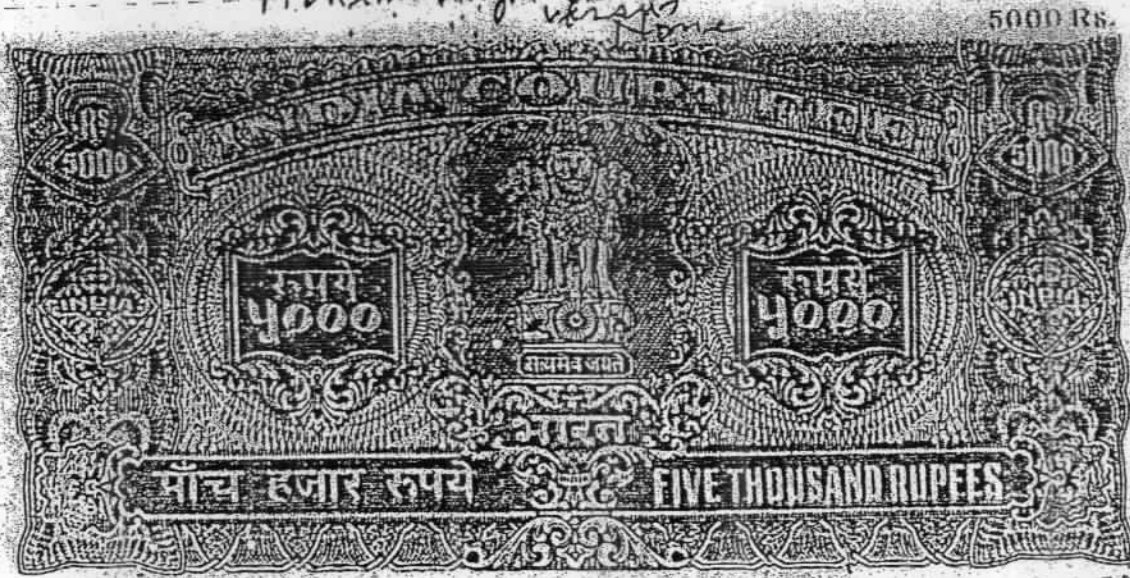
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AD. J. F. 26/5/08



Court of Sri Binoydang Khan
A-25-N.T.C.VIII, Hazaribagh
Abhimanyu Yadav
versus
Name



P.No 3010
DB sheet 9
28/1/06



Schedule VI

(Section 289 Indian Succession Act 1925)

Probate Certificate

In the court of Additional District Judge,

Fast Track Court,

No. - VIII Hazaribag,

Probate Case No.- 14/2006.



Postage 14/06

5000 Rs.



[2]

- 1. (a) Abhimanu Yadav
- (b) Jitendra Yadav
- (c) Birendra Yadav

All Sons of Late Laxman Gope

2. Kishori Gope
Son of Late Raghu Gope



P. Subbarao 14/06



[3]

All Residence of Mohalla- Gwal Toli,
Bara Bazar, P.S.- Sadar,

District- Hazaribag - ----- Petitioner

Versus

None ----- Opp. Party

I Binoy Kant Khan, Additional District Judge/Fast
Tract Court No.- VIII, Hazaribag hereby make known
that ^{20th} ~~26th~~ day of ^{August} ~~May~~ 2008. The Last will of Late Shiv



Probate 14/6/68



[4]

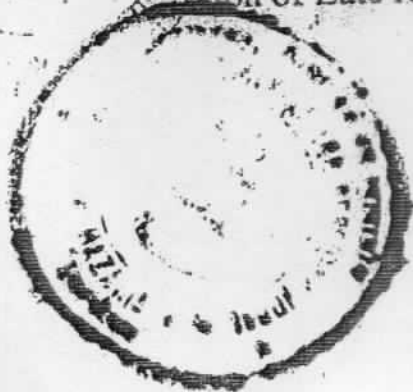
Nandan Gope was proved before me and his will was granted to :-

- 1 (a) Abhimanu Yadav.
- (b) Jitendra Yadav
- (c) Birendra Yadav

All S/o Late Laxman Gope

Kishori Gope

Son of Late Raghu Gope



Rs. 14/06

5000 Rs.



[5]

All R. Mohalla Gwal Toli, Bara Bazar, P.S.- Sadar, District- Hazaribag. They having undertaken to administer the same and to make full and true inventory of the said property and credits and to exhibit the same in the court within six months from the date of the grant or within such time as the court may, from time to time, appoint and to render to this court true account of the said property and credits



26/2/2009 3/3/2009 3/3/2009 4/3/2009

Pubate 14/06



[6]

within one year from the same date, or within further time to the court may, from time to time appoint.

Given under my hand and seal of the Court.

Shri Shree Kumar
30.11.09
Muharrir

[Signature]
30/11/09
Sheristedar

Dewan
Addl. Dist. Judge/
F.T.C.-VIII I/C
Hazaribagh
8/11/09

