

Misc. (Probate) Case No.4/2019.

28.02.2020.

This case is initiated by a Petition u/s 276 of the Indian Succession Act, 1925 (Act for short) for probate certificate.

The Petitioners in this case are Sri Anil Boruah, Sri Ajit Boruah, Sri Ajoy Boruah, Smti Ruprekha Boruah and Smti Rupjyoti Boruah. They are the children of Lt. Debeswar Boruah, who died on 04.02.2019. Lt. Debeswar Boruah during his lifetime executed a WILL on 04.10.2017 before the Deputy Registrar, North Lakhimpur, vide Registered WILL No.386/ III/ 9, appointing Sri Anil Boruah as Executor of the WILL.

The Petitioners have specifically mentioned the property which has been bequeathed to them by the testator. The property mentioned under the schedule 'A' has been bequeathed in the name of Sri Ajoy Boruah, property mentioned under the schedule 'B' has been bequeathed in the name of Smti Ruprekha Boruah @ Rani Boruah, property mentioned under the schedule 'C' has been bequeathed in the name of Smti Rupjyoti Boruah @ Moon, and the property mentioned under the schedule 'D' has been bequeathed in the name of Sri Anil Boruah and Sri Ajit Boruah.

The Petition is duly verified and supported by an affidavit sworn in by Sri Anil Boruah.

General and special Notices issued to the necessary parties have been duly served.

Contd...

Misc. (Probate) Case No.4/2019.

28.02.2020.
Continued.

Sri Anil Boruah, Sri Diganta Sonowal and Sri Jagat Hazarika have submitted their evidence-in-chief through affidavit. The evidence of Sri Anil Boruah depicts that his father executed the WILL, Ext.2, wherein Ext.2(1), 2(2), 2(3), 2(4), 2(5) and 2(6) are the signatures of his father. Ext.1 is the Death Certificate of his father. His father left behind Sri Anil Boruah, Sri Ajit Boruah, Sri Ajoy Boruah, Smti Ruprekha Boruah and Smti Rupjyoti Boruah as his legal heirs.

i) A plot of land measuring 1B out of 2B 4k 7L covered by Dag No.152 pertaining to PP No.42 of Bihpuria Town, Ward No.1, Revenue map under Bihpuria mouza,

ii) A plot of land measuring 10L covered by Dag No.323 pertaining to PP No.69 of Bihpuria Town, Ward No.1, Revenue map under Bihpuria mouza, and

iii) A plot of land measuring 2B out of 7B 2K 19L covered by Dag No.174 pertaining to PP No.21 of No.2 Sarjan Revenue map under Narayanpur Kherajkhat mouza, were bequeathed to Sri Ajoy Boruah. The aforementioned property is described under schedule 'A' of the Petition, and 'Ka' of the Ext.2.

A plot of land measuring 1B out of 7B 2K 19L covered by Dag No.174 pertaining to PP No.21 of No.2 Sarjan Revenue map under Narayanpur Kherajkhat mouza, was left for Smti Ruprekha Boruah @ Rani Boruah. This property is described under schedule 'B' of the Petition, and schedule 'Kha' of the Ext.2.

Contd...

Misc. (Probate) Case No.4/2019.

28.02.2020.
Continued.

A plot of land measuring 2K out of 7B 2K 19L covered by Dag No.174 pertaining to PP No.21 of No.2 Sarjan Revenue map under Narayanpur Kherajkhat mouza, was left for Smti Rupjyoti Boruah @ Mun Boruah. This property is described under schedule 'C' of the Petition, and schedule- 'C' of the WILL, Ext.2.

i) A plot of land measuring 1K 15L covered by Dag No.324 pertaining to PP No.42 of Bihpuria Town, Ward No.1, Revenue map under Bihpuria mouza, and

ii) another plot of land measuring 1K 5L covered by Dag No.325 pertaining to PP No.42 of Bihpuria Town, Ward No.1, Revenue map under Bihpuria mouza,

iii) A plot of land measuring 1K 10L covered by Dag No.62 pertaining to PP No.42 of Bihpuria Town, Ward No.1, Revenue map under Bihpuria mouza,

iv) A plot of land measuring 1 B 4K 7L out of 2B 4K 7L covered by Dag No.152 pertaining to PP No.42 of Bihpuria Town, Ward No.1, Revenue map under Bihpuria mouza,

v) A plot of land measuring 1B 1K 16L covered by Dag No.157 pertaining to PP No.42 of Bihpuria Town, Ward No.1, Revenue map under Bihpuria mouza,

vi) A plot of land measuring 2K covered by Dag No.158 pertaining to PP No.42 of Bihpuria Town, Ward No.1, Revenue map under Bihpuria mouza,

Contd...

Misc. (Probate) Case No.4/2019.

28.02.2020.

Continued.

vii) A plot of land measuring 4B 19L out of 7B 2K 19L covered by Dag No.174 pertaining to PP No.21 of No.2 Sarjan Revenue map under Narayanpur Kherajkhat mouza,

viii) A plot of land measuring 1B 18L covered by Dag No.180 pertaining to PP No.21 of No.2 Sarjan Revenue map under Narayanpur Kherajkhat mouza, was left for Sri Anil Boruah and Sri Ajit Boruah. This property is described under schedule 'D' of the Petition, and under schedule 'Gha' of the WILL, Ext.2.

I have carefully perused Ext.2.

Sri Jagat Hazarika stated in his evidence in chief through affidavit that during his lifetime, he was present when the testator affixed his signatures on the WILL, Ext.2, and after execution of the WILL, he affixed his signatures on Ext.2 as Ext.2(14) and 2(15), as identifier of Debeswar Boruah to the last WILL. He has also described the plots of land bequeathed to the legal heirs. The witness, Sri Jagat Hazarika was present today.

The other witness, Sri Diganta Sonowal is also present today and he has submitted his evidence in chief through affidavit that he along with Jagat Hazarika were present at the time of execution of the last WILL by the testator, Debeswar Boruah, and he affixed his signature as one of the witnesses to the last WILL and testament of Lt. Debeswar Boruah during his lifetime. Ext.2(16) is his signature. Sri Jagat Hazarika was the identifier of Lt. Debeswar Boruah to the last WILL.

Contd...

Misc. (Probate) Case No.4/2019.

28.02.2020.

Continued.

I have heard the submissions of the witnesses and have scrutinised the evidence. There is no impediment to grant Probate from any quarter. Hence, the petition is allowed.

Issue a Probate certificate in respect of the land mentioned in schedule 'A', 'B', 'C' and 'D' of the petition, which is also specifically described in the WILL executed by the testator, Lt. Debeswar Boruah during his lifetime.

District Judge,
Lakhimpur, N.L.