

ORDER SHEET  
IA NO.GA/1/2016 (Old No.GA/1971/2016)  
In  
PLA/115/2010  
IN THE HIGH COURT AT CALCUTTA  
TESTAMENTARY AND INTESTATE JURISDICTION  
ORIGINAL SIDE

IN THE GOODS OF:  
PASHUPATI NATH BANERJEE (DECEASED)

BEFORE:  
The Hon'ble JUSTICE BIVAS PATTANAYAK  
Date: 31<sup>st</sup> July, 2024.

*Appearance:*  
*Mr. Sarosij Dasgupta, Adv.*  
*...for the petitioner*

The Court: This is an application for amendment of the application for grant of probate.

Mr. Sarosij Dasgupta, learned counsel appearing for the petitioner submits that during the pendency of the probate proceeding, the sole executor, Bibhas Chandra Datta expired on 17<sup>th</sup> October, 2010. As per the Will, the applicant being the wife of the sole executor would become an executrix upon such demise of the sole executor and would enjoy the property as true and lawful owner. Accordingly, in consequence thereof, the applicant Shobha Datta has filed the application to proceed with the probate application as executrix of the said Will and Testament of late Pashupati Nath Banerjee dated 17<sup>th</sup> March, 2009.

As per the Death Certificate annexed to the application at page 14, Bibhas Chandra Datta expired on 17<sup>th</sup> October, 2010. In view of the contention of the applicant, the petition seeking amendment stands allowed.

Let there be an order in terms of prayers (a), (c) and (d) of the Notice of Motion.

The Department is directed to carry out the amendment within a period of four weeks from the date of communication of this order.

The application being IA No.GA/1/2016 (Old No.GA/1971/2016) stands disposed of.

(BIVAS PATTANAYAK, J.)