

OD – 10

ORDER SHEET
PLA 416 OF 2018
GA 1 OF 2020
IN THE HIGH COURT AT CALCUTTA
Testamentary & Intestate Jurisdiction
ORIGINAL SIDE

IN THE GOODS OF :
SHUVASREE BAGCHI, DECEASED

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 1ST OCTOBER, 2020.

Appearance :
Mr. Soumyajit Ghosh, Adv.
Mr. Atish Ghosh, Adv.
Mr. Rohit Banerjee, Adv.
Mr. Souvik Ghosh, Adv.
...for the petitioner

The Court : The petitioners are the three executors to the estate of one Shuvasree Bagchi who died on 19th April, 2018 at Kolkata. The present application is for cancellation/revocation of the grant of probate dated 28th June, 2019 which was issued on 20th August, 2019 in respect of the Will of the deceased which is dated 12th April, 2014.

Learned Counsel appearing for the joint executors/petitioners came to know from a correspondence with Syndicate Bank that the testatrix had made a second Will dated 9th February, 2018 where the testatrix had categorically declared that all earlier Wills, Codicils and Testaments prior to the Will dated 9th February, 2018 shall stand

cancelled and revoked. The present application has been made in this circumstances.

In view of the categorical statement and intention made by the testatrix in the subsequent Will dated 9th February, 2014, this Court is of the view that the earlier grant of probate of 28th June, 2019, issued on 20th August, 2019 in respect of the earlier Will of 12th April, 2014 should be cancelled and revoked.

GA No.1 of 2020 is allowed in terms of prayers (a), (b) and (c). The earlier grant of probate is cancelled. The petitioners are discharged from their respective obligations and undertakings in respect of the grant dated 28th June, 2019 and the petitioners are also granted leave to surrender the original grant of probate issued on 20th August, 2019 before this Court.

(MOUSHUMI BHATTACHARYA, J.)