

ORDER SHEET

PLA 161 of 2019

IN THE HIGH COURT AT CALCUTTA
Testamentary & Intestate Jurisdiction
ORIGINAL SIDE

IN THE GOODS OF:
BANKIM CHANDRA CHATTERJEE (DECEASED)

IA No.GA/1/2016(Old No:GA/289/2020)

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 7th October, 2020.

Appearance:

Mr. Kaushik Pradhan, Adv.

The Court: The applicant claims to be the sole executrix named in the last Will and Testament dated 25th September, 1998 of one Bankim Chandra Chatterjee who died on 15th July, 2007. The case made out in the application is that the deceased made and published his last Will and Testament on the date stated above and at the time of his death left his widow, one son and one daughter as the surviving heirs. The heirs of the deceased have been described as one Smt. Jaya Chatterjee (wife), Barun Chatterjee (son) and Smt. Abira Chakraborty (daughter).

The advocate-on-record appearing for the applicant submits that by the said Will, the testator bequeathed his immovable property in the manner stated in paragraph 3 of the application. The Will was duly executed by the testator while he was of sound mind and the two attesting witnesses, namely, the wife of the testator and the husband of the applicant put their signatures in the

presence of the testator and in the presence of each other in the Will. The appearing advocate submits that no one has applied for grant of probate of the said Will or succession certificate in respect of the estate of the deceased in any Court in the State of West Bengal. Counsel submits that the applicant/sole executrix is the beneficiary of the said Will and testament. The advocate places an order dated 13th February, 2020 passed by a learned Single Bench of this Court by which the executrix was directed to publish the special citations in two newspapers within a certain time. The advocate claims that this was duly complied with by the applicant. The newspaper publications are annexed to the application. A No-Caveat certificate dated 17th August, 2020 is on record. It is further submitted that the gist of the special citation issued in the matter was served upon Smt. Jaya Chatterjee and Barun Chatterjee by way of paper publications

By reason of the above, the advocate prays for grant of probate of the last Will and testament dated 25th September, 1998 of the testator in her capacity as the sole executrix of the said Will and testament.

In view of the facts submitted and placing reliance on the documents shown to the Court as also the no-caveat certificate, this Court is of the view that the applicant as the sole executrix of the last Will and testament of Bankim Chandra Chatterjee (the testator) has established a right in her favour for the prayer made. The paper publications issued on 25th February, 2020 also show that the legal heirs of the testator do not intend to contest the proceeding.

PLA No.161 of 2019 is accordingly disposed of in terms of prayer (c). The probate of the last Will and testament dated 25th September, 1998 of the above-named testator should be granted to the applicant, Smt. Rekha Agarwal. The grant will be limited to the property mentioned and specified in the Will of the testator.

(MOUSHUMI BHATTACHARYA, J.)

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