

ORDER SHEET

PLA 77 of 2020
IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY AND INTESTATE JURISDICTION

IN THE GOODS OF :
ARUN KUMAR ROY CHOWDHURY (DEC)

BEFORE:
The Hon'ble JUSTICE DEBANGSU BASAK
Date: 19th February, 2021.

(Via Video Conference)

Mr. Rudradeb Chowdhury, Adv.
...for the petitioner

The Court: On the prayer of the learned advocate for the petitioner, the first witness of the petitioner is allowed to be recalled for the purpose of examination-in-chief.

The petitioner examines two witnesses in support of his case. The first witness identifies the signature of the testator which is exhibit B series. He states that the testator was of sound mind at the time of execution of the Will. He also states that, he was present at the time of the execution of the Will and saw the testator sign the Will first and thereafter the attesting witnesses signed the Will. He explains that, the map which is stated in the body of the Will formed part of the Will. He identifies the map which formed part of the Will which is exhibit C.

The second witness of the petitioner who is the advocate-on-record of the petitioner deposes that due to inadvertence the map which formed part of the Will was left behind at the time of filing of the application for grant of probate. On the department intimating him that the map was not annexed to the application for grant of probate, he caused searches to be made in his chamber when he located the map.

In such circumstances, due execution of the Will is proved.

There will be an order in terms of prayer (a) of the petition. The map which is exhibit C be treated as a part of the Will and probate be issued accordingly.

PLA 77 of 2020 is disposed of accordingly.

(DEBANGSU BASAK, J.)

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