

PLA 3 of 2019
IA GA 2 of 2020
(Old GA 753 of 2020)
IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY & INTESTATE JURISDICTION
ORIGINAL SIDE

IN THE GOODS OF:

APARNA CHHATTOPADHYAY ALIAS APARNA CHATTOPADHYAY

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: 25th November, 2022.

Appearance:
Mr. Lal Ratan Mondal, Adv.
...for the petitioner.

The Court:-Counsel for the petitioner is present. The petitioner has filed the instant application for grant of Probate of the last Will and Testament dated 28th February, 2000 executed by the testatrix, namely Aparna Chhattopadhyaya alias Aparna Chattopadhyay.

Counsel for the petitioner submits that the deceased died on 1st February, 2006 leaving behind no heirs. He further submits that the testatrix was unmarried and, as such, the testatrix had executed the Will in favour of the petitioner who is the family friend of the testatrix.

Counsel for the petitioner submits that initially a caveat was filed subsequently by an order dated 10th June, 2022 in GA No. 3 of 2022, the caveator was discharged as the caveator was not proceeding with the caveat. Counsel for the petitioner submits that there is no caveat in the instant matter and prayed for grant of Probate in terms of the last Will and Testament dated 28th February, 2000.

Counsel for the petitioner submits that after filing of the instant application, general and special citations were issued. None has appeared to object the instant application. Counsel for the petitioner further submits that the petitioner has also filed the affidavit of the attesting witness, namely Bijan Sadhu.

Considered the prayer made by the Counsel for the petitioner and perused the application, Will, death certificate and the affidavit of the attesting witness, the attesting witness in the affidavit has categorically stated that the testatrix herself Aparna Chhattopadhyaya alias Aparna Chattopadhyay had executed the Will on 28th February, 2000 in his presence along with the other attesting witness. The attesting witness has further stated that at the time of executing the Will, the testatrix was in fit and good state of mind.

Considered the above facts and circumstances of the case, this Court finds that the petitioner is able to prove the Will and there is no circumstances to say any suspicion with respect to the Will executed on 28th February, 2000.

In view of the above, Probate granted to the petitioner in terms of the Will dated 28th February, 2006 subject to compliance of all formalities.

A copy of the Will be annexed along with Probate.

PLA No. 3 of 2019 is thus disposed of.

(KRISHNA RAO, J.)