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

PLA/7/2015

IN THE GOODS OF : MINU JHA (DECEASED)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: 13th December, 2022.

Appearance:
Mr. Lalratan Mondal, Adv.
Ms. Swapna Choubey, Adv.

The Court : Counsel for the petitioner is present. Petitioner has filed the instant application for grant of probate in respect of last Will and Testament of the testatrix dated 23rd November, 2006. The testatrix Minu Jha died on 5th June, 2013. She was unmarried and her mother and father were predeceased to her. The details of the legal heirs of the deceased is described in paragraph 5 of the instant application and as per the said description there are altogether 19 legal heirs that is the nephew, grand daughter, niece and sister. After filing of the instant application the petitioner has taken all steps for issuance of special citation as well as general citation. Even after issuance of special and general citation none of the legal heirs have filed their caveat. Counsel for the petitioner submit that none has come forward for filing any caveat or objection for grant of probate and as such the probate may be granted with respect to the last Will and Testament dated 23rd November, 2006 to the petitioner.

One of the attesting witness namely Saumendra Jha has filed the affidavit stating that the testator Minu Jha had executed the Will on 23rd November, 2006 in her presence as well as in the presence of the another attesting witness

namely Ranjit Kumar Jha. The said attesting witness further confirm that in the said Will the testatrix has made the petitioner as executor of the said Will with respect of her movable and immovable properties. He stated in the affidavit that the testator while executing the Will was possessing good health and was fit state of mind. As per the affidavit it further reveals that the executrix has signed the Will in her presence and issuance of other attesting witness and subsequently the Will had registered before the competent authority. In spite of publication of the special citation as well as general citation none has come forward for raising any objection and this Court find that the petitioner is able to prove the said Will and there is no circumstances to create any doubt or any suspicion with respect of the Will dated 23rd November, 2006.

Considering the submissions made by the Counsel for the petitioner, Will, the report filed by the Department and the affidavit of the attesting witness, the petitioner is entitled to get probate in respect of the said Will.

Prayers in terms of (a) of the application is allowed subject to compliance of all formalities. At the time of grant of probate, the Will may be annexed as part of the probate.

PLA/7/2015 is disposed of accordingly.

(KRISHNA RAO, J.)