

OD-8

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

PLA/105/2019

IN THE GOODS OF ASHIM KUMAR BANERJEE (DEC)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: 13th December, 2022.

Appearance:
Mr. Ankit Dey, Adv.
... for the petitioner.

The Court : Counsel for the petitioner is present. Petitioner has filed the instant application for grant of probate in respect of the Will and Testament of the deceased Ashim Kumar Banerjee dated 5th December, 2018. The testator died on 1st January, 2019 leaving behind three legal heirs that is wife, two daughters, the petitioner herein and another daughter Ms. Apurba Mukherjee. The other legal heirs that is the wife and another daughter have filed their affidavit of consent wherein they have specifically stated that they have no objection for grant of probate in respect of the Will of the petitioner. One of the attesting witnesses of the Will namely Prerona Sil has also filed an affidavit. Counsel for the petitioner prays for grant of probate to the petitioner in terms of the last Will and Testament dated 5th December, 2018 executed by the testator Ashim Kumar Banerjee. Heard the learned Counsel for the petitioner, perused the Will, death certificate, affidavit of consent filed by the other legal heirs and the affidavit filed by one of the attesting witness. After going through the affidavit filed by the attesting witness namely Prerona Sil it is found that the testator had executed the Will on 5th December, 2018 in his presence as well as in presence of

the other attesting witness. As per the affidavit filed by the attesting witness it is also found that the testator was having in good physical health and was in fit state of mind.

Considering the submissions made by the Counsel for the petitioner, Will, affidavit of consent of the legal heirs and the affidavit filed by the attesting witness this Court finds that the petitioner is able to prove the case for grant of probate. There is no circumstances of suspicion in respect of the execution of the Will by the testator on 5th December, 2018.

In view of the above, prayer in terms of (a) of the instant application is allowed subject to compliance of all formalities required under law. At the time of grant of probate the copy of Will may be annexed as part of the probate.

PLA/105/2019 is disposed of accordingly.

(KRISHNA RAO, J.)