

OD-18

ORDER SHEET

PLA/79/2022

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

IN THE GOODS OF:
AJIT KUMAR MITRA (DEC)

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 1st December, 2022.

Appearance:
Mr. Sabyasachi Sen, Adv.
...for the petitioner

The Court : The subject Will is a registered Will. The registration as appears from the date appearing beneath seal and signature of the registering authority is 13th June, 2014. The query which is annexed to the registered document has also been obtained on 13th June, 2014. In the affidavit affirmed by Ranjit Kumar Mitra, one of the attesting witnesses, it is stated that the subject Will was executed on 13th January, 2014 but the date of the Will has been mentioned as 13th January, 2014. In the registered Will at the last page just above the signature of the testator and the attesting witnesses, the date of the Will is filled in by pencil as 13th day of June, 2014.

Taking note of the dates, I find that the date of execution of the Will as stated by Ranjit Kumar Mitra, one of the attesting witnesses in paragraph 2 of his affidavit should be read and construed as 13th June, 2014 as a document of 13th June, 2014 could not have been executed on 13th January, 2014 under the normal chain of events.

Taking note of the fact that this is a registered Will and consent affidavit by the persons who would have inherited the estate in case of death in intestacy of the testator have been filed. Considering the view of the department upon complete scrutiny of the documents the application for grant of probate is allowed by passing an order in terms of prayer (a) of the said application.

The application being PLA 79 of 2022 is, accordingly, disposed of.

(ARINDAM MUKHERJEE, J.)

sb.