

OD-5

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

PLA/83/2009

IN THE GOODS OF HANS RAJI DEVI (DECEASED)  
VS  
AND PARAS NATH DUBEY

BEFORE:

The Hon'ble JUSTICE SUGATO MAJUMDAR

Date : 22<sup>nd</sup> November, 2022.

Appearance:  
Mr. Ajit Kumar Chaubey, Adv.  
Mr. Noorul Islam, Adv.  
... for the petitioner.

The Court : The instant application is filed for grant of probate of the last Will and Testament dated 6<sup>th</sup> April, 2005 of Smt. Hans Raji Devi who left for her heavenly abode on 23<sup>rd</sup> December, 2007 at Village- Rajahata, Post Office - Barpar, Tehsil - Gola, District - Gorakhpur in the State of Uttar Pradesh. At the time of death the testatrix was resident of 15A, Govinda Dhar Lane, Kolkata-700007.

Affidavit-of-asset is filed. There is no caveat to oppose the probate proceeding. There are two attesting witnesses namely Mr. Vindhyachal Dubey and Dr. Kausalesh Mishra who put their signatures in the Will. Mr. Vindhyachal Dubey filed his affidavit wherein it is stated which went unopposed that the Will was read over and fully explained to the testatrix in Hindi language. On understanding the contents thereof, she put her left thumb impression in the Will. The Will was executed in presence of the attesting witnesses and attesting witnesses put signatures in presence of one another as well as in presence of the testatrix. The attesting witnesses

also accompanied the testatrix for registration of the Will. It is further stated in the deposition that at the time of execution of the Will the testatrix was physically fit and mentally alert and did not appear to be under any coercion or pressure. The evidence is unopposed. Will is produced as well as the death certificate. Will was executed in terms of Section 63 of the Indian Succession Act and it is proved in accordance with Section 68 of the Indian Evidence Act.

Let the probate of the Will be granted.

Department is directed to do the needful.

(SUGATO MAJUMDAR, J.)