

OD-8

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

PLA/108/2018
IA NO: GA/2/2022

IN THE GOODS OF :
BANI SEQUERIA @ BEHURA (DEC)

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date: 1st DECEMBER, 2022.

Appearance:
Ms. S. Ganguli, Adv.
For the petitioner

The Court: Counsel for the petitioner is present.

The petitioner is filed an instant application for grant of probate in respect of Will of the testatrix, namely, Dr. (Mrs.) Bani Sequeira Alias Behura, wife of Mr. Robin Behura. The petitioner is the executor of the Will dated 23rd September, 2016.

Counsel appearing for the petitioner submits that the testatrix's first husband died on May 13, 1993. After the death of her first husband, she had married second time to Mr. Robin Behura. After filing of the instant application, Robin Behura has also expired on 17th June, 2018. The testatrix has left behind two legal heirs that is two daughters, namely, Christine Taundra Vaz and Amrita Jacqueline Christian. The daughters of the testatrix have filed their affidavit-of-consent stating the fact that they have no objection for grant of probate of the last Will and Testament dated 23rd September, 2016 in favour of the petitioner. The petitioner has also filed the affidavit of the attesting witnesses, namely, Susanta Dutta and Rohit

Behura. In their affidavit, both the attesting witnesses have categorically stated that the testatrix has put her signatures in english in her last Will and Testament dated 23rd September, 2016 and at the time of execution of the said Will, the said witnesses were present and in the said Will, both the witnesses have also signed as attesting witnesses.

The attesting witnesses also stated that at the time of execution of the said Will, the testatrix was having good health and was in fit state of mind.

Considered the submission made by the counsel for the petitioner, perused the Will, affidavit-of-consent and the affidavit of attesting witnesses. This Court finds that the petitioner is able to prove that the testatrix has executed the Will on 23rd September, 2016 while possessing good health and fit state of mind. There is no circumstances to find any suspicion on the said Will.

In view of the above, probate is granted in terms of the Will dated 23rd September, 2016 subject to compliance of all formalities. At the time of grant of probate, the Will may be annexed along with the probate.

PLA No.108 of 2018 is disposed of.

(KRISHNA RAO, J.)