

PLA 252/2017
IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY & INSTATE JURISDICTION
ORIGINAL SIDE
IN THE GOODS OF:
CHANDUR LEKHRAJ SIPAHIMALANI (DECEASED)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: 12th December, 2022.

APPEARANCE:

Mr. V. Baisya, Adv.

Mr. A. Alin, Adv.

...for the petitioner.

The Court:- Counsel for the petitioner is present and has filed affidavit of consent of one of the legal heirs, namely Bishnu Sipahimalani. Let the same be kept with the record.

Counsel for the petitioner submits that the Testator, namely Chandur Lekhraj Sipahimalani had executed a Will on 30th Janaury, 2015 with respect to his moveable and immoveable property in favour of the petitioner who is one of the brothers of the Testator.

Counsel for the petitioner submits that the wife of the Testataor was the pre-deceased. The Testator died on 13th September, 2016 and the wife of the Testator died on 4th May, 2010. The Testator had no issue and, accordingly, the brother, nephews and niece being the legal heirs have been described in paragraph 6 of the instant application. All the legal heirs have filed their

respective affidavits stating the fact that they have no objection for grant of Probate with respect to the Will dated 30th January, 2015.

Heard the submission made by the learned Counsel for the petitioner and perused the Will, death certificates, affidavits of the legal heirs and the affidavit filed by the attesting witness, namely Subrata Dasgupta. The attesting witness in his affidavit has categorically stated that he along with the other attesting witness, namely Samar Kr. Dutta were present at the house of the Testator and in their presence the Testator had executed the Will in favour of the petitioner in respect of his moveable and immoveable property. The attesting witness had also stated that at the time of execution of the Will, the testator was in sound mind and he was having in perfect health.

After considering the above materials on record, this Court finds that the petitioner has been able to prove the Will executed by the testator. There is no circumstances of any suspicion over the Will dated 30th January, 2015.

In view of the above, prayer (c) of the Probate application is granted. PLA No. 252/2017 is disposed of. At the time of grant of Probate, copy of the Will dated 30th January, 2015 may be made part of the said Probate.

(KRISHNA RAO, J.)