

OD-21

ORDER SHEET

PLA/374/2018

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

IN THE GOODS OF :
TAPAS MUKUTMONI (DECEASED)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : November 22, 2022.

Appearance:

Ms. Dipika Banu, Adv.

Mr. Subhadip Chakraborty, Adv.

... for the petitioner

The Court: Counsel for the petitioner is present.

The petitioner has filed the instant application for grant of probate in terms of the last Will and Testament dated 23rd June, 1999 executed by the Testatrix, namely, Tapas Mukutmoni in favour of Kamala Ghosh and Dilip Kumar Ghosh.

Counsel for the petitioner submits that the Testatrix was the issueless and the Testatrix has executed the Will appointing Dilip Kumar Ghosh and Kamala Ghosh as executors due to their old friendship. After filing of the instant case, general citation as well as special citation has been issued but as per the report no caveat is lodged. The other executor, namely, Dilip Kumar Ghosh has submitted his affidavit-of-consent stating that he has no objection if probate is granted to Kamala Ghosh being the petitioner in the instant case in terms of the last Will and Testament dated 23rd June, 1999.

The attesting witness, namely, Kasturi Chakrabarti has also filed the affidavit supporting the contents of the application and the Will.

Considering the submission made by the counsel for the petitioner and on perusal of the application, Will, affidavit-of-consent of Dilip Kumar Ghosh, affidavit of attesting witness, this Court finds that the Will executed by the Testatrix, Tapas Mukutmoni is free from suspicious and while possessing goods health and fit state of mind. Hence, probate is granted to the petitioner, namely, Kamala Ghosh in terms of the Will dated 23rd June, 1999 limited to the property as mentioned in the said Will subject to compliance of all formalities.

The Will dated 23rd June, 1999 be enclosed with the probate.

PLA/374/2018 is disposed of.

(KRISHNA RAO, J.)

RS