

ORDER SHEET

PLA/430/2018

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

IN THE GOODS OF:
SMT. LAKSHMI KUNDU, DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : 6th December, 2022

Appearance:
Mr. Sunanda De Sarkar, Adv.
...for the petitioners

The Court: Counsel for the petitioners is present.

The petitioners have filed the instant application for grant of probate in respect of the last Will and testament dated 20th December, 2013 executed and published by the testatrix, Lakshmi Kundu. Lakshmi Kundu died on 15th January, 2014 leaving behind the petitioners as her legal heirs. The testatrix had executed the last Will and testament on 20th December, 2013 wherein she has appointed the petitioners as joint executors in respect of the said Will.

Perused the Will and death certificate.

The attesting witness has filed the affidavit wherein the attesting witness, namely, Samit Pani Brahmachari @ S.P. Brahmachari has stated that on 20th December, 2013 he along with the other attesting witness, namely, R.K. Mitra were present at the house of the testatrix and in their presence, the testatrix has executed the Will by appointing the petitioners as joint executors with

respect of her movable and immovable properties. The attesting witness has further affirmed that at the time of execution of the Will the testatrix was having good and fit state of mind.

After considering the submission made by the Counsel for the petitioner, Will, death certificate and the affidavit of the attesting witness, this Court finds that the petitioner is able to prove the case for grant of probate. This Court do not find any suspicious circumstances to disbelieve the Will executed by the testatrix.

In view of the above, probate in respect of the last Will and testament dated 20th December, 2013 is granted subject to compliance of all formalities.

At the time of grant of probate, copy of the Will may be made part of the probate.

PLA/430/2018 is disposed of.

(KRISHNA RAO, J.)