

ORDER SHEET

PLA/219/2011

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

IN THE GOODS OF :
AMALENDU DUTT (DEC.)

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date : December 22, 2022.

Appearance :
Ms. Somali Bhattacharyya, Adv.
... for the petitioner

The Court: Counsel for the petitioner is present.

The petitioner has filed the instant application for grant of probate in respect of the last Will and Testament dated 12th August, 1999 of the deceased Amalendu Dutt.

Counsel for the petitioner submits that the Testator has executed the will on 12th August, 1999 by appointing the petitioner Sri Balkishan Gupta as executor, failing him Sri Jitendra Kumar Gupta.

Counsel for the petitioner further submits that out of three legal heirs, two legal heirs, namely, Smt. Arati Dutt and Sri Soumitra Dutt have filed their respective affidavits of consent stating that they have no objection for grant of probate in respect of the Will and Testament of the deceased Amalendu Dutt. The third legal heir, namely, Smt. Sanjukta Dutt has neither given the consent nor has filed any caveat and accordingly, the petitioner has taken appropriate steps for publication of special citation as well as general citation but in spite of the same, the third legal heir of the deceased, namely, Smt. Sanjukta Dutt has not come forward to raise objection for grant of probate. It is further submitted that in the said Will there are all together three attesting witnesses, out of which one

of the attesting witnesses, namely, Mr. Satya Narain Soni has filed an affidavit wherein he has stated that the Testator had executed the Will on 12th August, 1999 in his presence and in presence of the other two witnesses and at the time of execution of the Will, the Testator was possessing good health and was in fit state of mind. Counsel for the petitioner submits that the Testator died on 15th April, 2007.

Heard learned counsel for the petitioner.

Perused the Will in original, affidavit of consent of the legal heirs, namely, Smt. Arati Dutt and Sri Soumitra Dutt as well as the affidavit of attesting witness, namely, Satya Narain Soni. Perused the pleadings and the death certificate of the Testator.

Considering the submission made by the counsel for the petitioner and the documents as mentioned above, this Court finds that the petitioner has been able to prove the last Will and Testament dated 12th August, 1999, executed by the Testator, namely, Amalendu Dutt in favour of the petitioner.

In view of the above, this Court finds that there is no reason to raise any suspicion on the Will executed by the deceased Amalendu Dutt on 12th August, 1999. Accordingly, prayer (a) of the instant application being PLA/219/2011 is allowed.

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

PLA/219/2011 is disposed of.

(KRISHNA RAO, J.)