

OD-11

ORDER SHEET

PLA/1/2019

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

IN THE GOODS OF :
PARBATI DEVI MOHTA, DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : January 18, 2023.

Appearance:

Mr. Pratip Mukherjee, Adv.

Ms. Chaitali Mukherjee, Adv.

... for the petitioner

The Court: Counsel for the petitioner is present and submits that one Ashok Kumar Mohta, being one of the executors, had filed the instant application for grant of probate of the last Will and Testament of the testatrix Parbati Devi Mohta dated 9th May, 2005.

During the pendency of the instant application, one of the executors, who was the petitioner in the instant application, had expired and subsequently another executor, namely, Kishore Kumar Mohta, was substituted and the legal heirs of Ashok Kumar Mohta were brought on record. Counsel for the petitioner submits that the testatrix died on 1st June, 2005 leaving behind two sons, two daughters, two grand-daughters and two grand-sons. All the legal heirs have filed their affidavits of consent in support of the last Will and Testament dated 9th May, 2005. The attesting witnesses of the Will have also filed their affidavits in support of the Will.

Counsel for the petitioner submits that there is no impediment for grant of probate of the last Will and Testament dated 9th May, 2005.

Considered the submission made by the counsel for the petitioner.

Perused the original Will of the testatrix dated 9th May, 2005, death certificate, affidavits of consent of the legal heirs and the affidavits of the attesting witnesses. The attesting witnesses in their affidavits have stated that the testatrix Parbati Devi Mohta had executed the Will on 9th May, 2005 in their presence while possessing good health and fit state of mind. The attesting witnesses have also stated that before execution of the Will, the testatrix has read over the Will and subsequently signed the said Will in their presence.

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 Will dated 9th May, 2005. The petitioner is thus entitled to get probate of the Will dated 9th May, 2005.

Accordingly, prayer (a) of the application is allowed.

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

PLA/1/2019 is disposed of.

(KRISHNA RAO, J.)