

ORDER SHEET

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

PLA/28/2019

IN THE GOODS OF:
USHA RANI GANGOPADHYAY @ USHA RANI GANGULY, DEC.

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date: May 12, 2023.

Appearance:
Mr. Ayan Dutta, Adv.
Mr. Ranjit Kr. Basu, Adv.
...for the petitioner

The Court: Counsel for the petitioner is present.

The petitioner has filed the present application for grant of probate of the last Will and Testament dated 30th July, 1995 executed by the testatrix Usha Rani Gangopadhyay @ Usha Rani Ganguly by appointing the petitioner and two others as executor and executrixes of the said Will.

Counsel for the petitioner submits that the testatrix died on 19th August, 1995 leaving behind several legal heirs mentioned in paragraph 6 of the instant application. Out of which, some of the legal heirs have given their consent and some of the legal heirs in spite of substituted service, have not come forward either to file caveat or to give consent. Out of the two executors, one has passed away and one executrix has filed her consent for grant of probate to the petitioner.

One of the attesting witnesses, namely, Alope Banerjee has filed affidavit confirming that the testatrix has executed her Will on 30th July,

1995 in his presence by appointing the petitioner and two others as executors while possessing good health and fit state of mind.

Considered the submission made by the counsel for the petitioner.

Perused the Will, death certificate, affidavit of the attesting witness and the certificate issued by the department wherein it is certified that no caveat has been lodged.

In view of the circumstances mentioned above, this Court finds that the petitioner has proved the Will. Accordingly, the petitioner is entitled to get probate in terms of the last Will and Testament dated 30th July, 1995.

In view of the above, prayer (c) of the application is allowed subject to completion of all formalities.

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

PLA/28 of 2019 is disposed of.

(KRISHNA RAO, J.)