

OD-12

ORDER SHEET

PLA/55/2020

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

IN THE GOODS OF :
SOVA RANI PAUL (DEC.)

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date : January 19, 2023.

Appearance :
Mr. Priyabrata Thakur, Adv.
Mr. Snehasish Dey, Adv.
... for the petitioner

The Court: Counsel for the petitioner is present and submits that the petitioner has filed the instant application for grant of probate in terms of the last Will and Testament executed by the testatrix Sova Rani Paul on 28th November, 2003.

Counsel for the petitioner submits that the testatrix had appointed the petitioner as executor of her last Will and Testament. The testatrix died on 28th May, 2010 leaving behind her one daughter, three sons, widow of the predeceased son, three granddaughters and one grandson as her legal heirs. All the legal heirs have filed their affidavits of consent for grant of probate to the petitioner. The testatrix had executed the Will in presence of the two attesting witnesses, namely, Arun Kumar Mandal and Ananda Mandal. One of the attesting witnesses, Arun Kumar Mandal has filed his affidavit. Counsel for the petitioner submits that no caveat is lodged and there is no objection

from any corner and prays for grant of probate to the petitioner in terms of the last Will and Testament of the deceased testatrix Sova Rani Paul.

Considered the prayer made by the counsel for the petitioner.

Perused the original Will which is in Bengali language and was duly translated in English language, death certificate of the testatrix.

It appears that the husband of the testatrix died on 16th February, 2016. In the affidavit, the attesting witness has categorically stated that the testatrix had executed the Will in presence of the attesting witnesses on 28th November, 2003 by appointing the petitioner as executor. The attesting witness has further stated in his affidavit that the testatrix had executed the said Will in their presence while possessing good health and was in fit state of mind.

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 and accordingly, the petitioner is entitled to get probate of the last Will and Testament of the testatrix Sova Rani Paul.

In view of the above, prayer (a) of the application is allowed.

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

PLA/55/2020 is disposed of.

(KRISHNA RAO, J.)