

OD-18

ORDER SHEET

PLA/64/2020

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

IN THE GOODS OF :
MRS. MONJULA BOSE (DEC.)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : April 10, 2023.

Appearance :

Ms. Somali Bhattacharya, Adv.
... for the petitioners

The Court: The petitioners have filed the instant application for grant of probate of the last Will and Testament dated 15th November, 2006 and the Codicil dated 29th April, 2013.

Counsel for the petitioners submits that the testatrix Monjula Bose had executed the Will by appointing the petitioners as executors of her last Will and Testament. The testatrix died on 6th May, 2016 by leaving behind three legal heirs as mentioned in paragraph 6 of the instant application but none of the legal heirs has come forward either to file caveat or to give consent. The petitioners have taken appropriate steps for issuance of special as well as general citations and even by publication of the citations in the newspaper but in spite of the same, none has come forward to file caveat. One of the attesting witnesses of the Will, namely, Dip Narayan Mittra has filed his affidavit in support of the Will. Counsel for the petitioners submits that as there is no objection from any corner, the

petitioners are entitled to get probate in terms of the last Will and Testament and the Codicil.

Considered the submission made by the counsel for the petitioners.

Perused the original Will, Codicil, death certificate of the testatrix and the affidavit filed by the attesting witness.

The attesting witness in his affidavit has stated that the testatrix had executed her last Will and Testament on 15th November, 2006 and the Codicil dated 29th April, 2013 in his presence and in presence of the other witnesses. He further stated that the testatrix had executed the Will knowing the contents of the Will and Codicil to be true and correct and the testatrix had executed her last Will and Testament while having good health and fit state of mind.

Considering the above documents and the submission made by the counsel for the petitioners, this Court finds that the petitioners have been able to prove the case for grant of probate and there is no circumstances to raise suspicion over the Will and the Codicil.

Accordingly, prayer (c) of the application is allowed subject to fulfillment of all conditions.

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

PLA/64/2020 is disposed of.

(KRISHNA RAO, J.)