

OD-5

ORDER SHEET

PLA/66/2020

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

IN THE GOODS OF :
SHAKUNTALA DEVI JHUNJHUNWALA (DEC.)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : January 17, 2023.

Appearance:

Ms. Suchismita Chatterjee Ghosh, Adv.

Mr. Kaushik Chakravorty, 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 of the last Will and Testament dated 22nd June, 2003 executed by the deceased testatrix, Shakuntala Devi Jhunjhunwala, wife of Ghanshyam Das Jhunjhunwala.

Counsel for the petitioner submits that the testatrix died on 4th September, 2004 leaving behind three legal heirs i.e. her husband Ghanshyam Das Jhunjhunwala, son - Tarun Jhunjhunwala @ Tarun Kumar Jhunjhunwala and daughter - Asha Chamaria. Counsel for the petitioner submits that the testatrix has executed the Will in presence of two attesting witnesses. During pendency of the instant application, the husband of the testatrix died on 10th November, 2014. The other legal heir i.e. daughter Asha Chamaria has filed her affidavit-of-consent. The two attesting witnesses have also filed their affidavit in support of the Will.

Counsel for the petitioner prays for grant of probate to the petitioner in terms of the Will dated 22nd June, 2003.

Considered the submission made by the counsel for the petitioner.

Perused the original Will, affidavit of the legal heir and the attesting witnesses. The attesting witnesses have categorically stated that the testatrix had executed the Will in their presence while possessing good health and fit state of mind.

Considering the submission made by the counsel for the petitioner and the documents, this Court finds that the petitioner has been able to prove the Will. Accordingly, the petitioner is entitled to get probate of the Will dated 22nd June, 2003.

The prayer in terms of (a) of the application is allowed.

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

PLA/66/2020 is disposed of.

(KRISHNA RAO, J.)