

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Testamentary and Intestate Jurisdiction
ORIGINAL SIDE

PLA/72/2020

IN THE GOODS OF
DR. SUBRATA KUMAR SENGUPTA (DEC)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: 04th May, 2023.

Appearance:
Mrs. Jaya Datta, Adv.
Ms. Sweta Saha, Adv.

The Court: Counsel for the petitioner is present.

The petitioner has filed the instant application for grant of probate of the last Will and Testament dated 17th February, 2018 of the executor daughter Subrata Kumar Sengupta.

Counsel for the petitioner submits that the testator has executed the Will by appointing his nephew Ayan Raichaudhuri and niece Suparna Chatterjee as executor and executrix of the last Will and Testament.

The nephew who is one of the executrix of the Will has filed the present application for grant of probate.

The testator died on 14th December, 2019 leaving behind only his wife Tripti Sengupta.

Counsel for the petitioner submits that the office has submitted no caveat certificate stating that no one has filed any caveat raising any objection for grant of probate. One of the attesting witnesses of the Will namely Amit Ray has filed his affidavit stating that the testator executed Will on 17th February, 2018 in his presence and in presence of other attesting

witness by appointing the petitioner as well as Ayan Raichaudhuri as executor of the last Will and Testament. The attesting witness has further stated that while executing the last Will and Testament the testator was in fit state of mind and possessing good health.

Considering the submission made by the Counsel for the petitioner and perusing the original Will, death certificate, certificate of the department and affidavit of attesting witnesses, this Court finds that the petitioner has proved the Will and there is no suspicion of execution of the Will. Accordingly, the petitioner is entitled to get probate of the Will.

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

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

(KRISHNA RAO, J.)

Sbghosh