

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

PLA/82/2020
IN THE GOODS OF:
DAYAKISHORE AGARWAL (DECED)

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date: 21st June, 2023.

Mr. Sashwat Nayak, Adv.
Mr. Santosh Kr. Ray, Adv.
Ms. Antalina Guha, Adv.
...for the petitioner

Counsel for the petitioner is present.

The petitioner has filed the present application for grant of probate of the last will and testament of the testator namely, Dayakishore Agarwal dated 1st June, 2003. The testator has appointed the petitioner as sole executor of his last will and testament. The testator died on 23rd June, 2008 leaving behind one son, three daughters, one son-in-law and two grandsons. The petitioner/executor is the son of the testator. All the legal heirs of the testator have filed an affidavit of consent stating that they have no objection for grant of probate of the will to the petitioner.

Out of two attesting witnesses of the will, one of the attesting witnesses, Sri Shyamal Das, has filed his affidavit stating that the testator has executed the Will on 1st June, 2003 in his presence and in the presence of another attesting witness by appointing the petitioner as

the executor of the Will while possessing good health and fit state of mind.

Considering the submission of the Counsel of the petitioner, perused the affidavit of consent of all legal heirs of the testator as well as the affidavit of one of the attesting witness, original Will and death certificate of the testator. This Court found that the petitioner has proved the Will and there is no circumstances of any suspicious circumstances of execution of the lost Will and testament.

In view of the fact that the petitioner is entitled to get the probate of the last will and testament dated 1st June, 2003 executed by the testator, Dayakishore Agarwal, the office is directed to issue probate after compliance of all formalities and at the time of grant of probate, the copy of the will be made a part of the probate.

PLA/82/2020 stands disposed of.

(KRISHNA RAO, J.)