

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

PLA/84/2020

IN THE GOODS OF NARAYAN CHANDRA DAS (DECED)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: 11th April, 2023.

Appearance:
Mr. Udaynarayan Betal, Adv.
..for the petitioner

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 27th June, 2017 executed by the testator Narayan Chandra Das.

Counsel for the petitioner submits that the testator had executed the Will on 27th January, 2017 in presence of two attesting witnesses by appointing the petitioner as executor. The testator died on 28th September, 2018 leaving behind his wife and daughter. Even after issuance of special as well as general citation, none appears to file caveat. The office has submitted report certifying that no caveat has been entered against the grant of probate of the last Will and Testament.

One of the attesting witnesses Sanjib Ghosh Chowdhury has filed affidavit stating that testator has executed his last Will and Testament in his presence as well as in presence of other attesting witness and the testator

has signed the said Will in their presence by appointing the petitioner as executor. In the said affidavit the attesting witness also stated that the testator has executed the Will while possessing good health and fit state of mind.

Considering the submission made by the Counsel for the petitioner, perused the original Will, death certificate of the testator, affidavit of the attesting witness and the certificate issued by the department. It is found from the affidavit of the attesting witness that the testator had executed the Will in his presence as well as in presence of the other attesting witness while possessing good health and fit state of mind by appointing the petitioner as executor.

After considering the above submission and the document, this Court finds that the petitioner has proved the Will and there is no circumstances to raise suspicion over the said Will.

Accordingly, prayer (b) of the application is allowed subject to completion of all formalities.

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

PLA No. 84 of 2020 is disposed of.

(KRISHNA RAO, J.)