

OD-16

ORDER SHEET

PLA/89/2020

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

IN THE GOODS OF :
SIKHA CHAKRABORTY (DEC.)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : January 19, 2023.

Appearance :
Mr. Sunil Kumar Chakraborty, 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 in terms of the last Will and Testament dated 18th June, 2012 executed by the testatrix Sikha Chakraborty.

Counsel for the petitioner submits that the testatrix had executed the Will on 18th June, 2012 by appointing the petitioner as executor. The testatrix died on 6th April, 2014 leaving behind two legal heirs being the son Amit Kumar Chakraborty and the daughter Debasree Chakraborty. Counsel for the petitioner submits that both the son and the daughter of the testatrix have filed their affidavits of consent for grant of probate in terms of the Will to the petitioner. He further submits that both the son and the daughter of the testatrix are the attesting witnesses of the Will and they have filed their affidavit. The husband of the testatrix was predeceased to the testatrix.

Considered the prayer made by the counsel for the petitioner.

Perused the original death certificate and the affidavits filed by the son and the daughter. It appears that the son and the daughter of the testatrix in their affidavits have categorically stated that their mother had executed the Will in favour of the petitioner possessing good health and fit state of mind.

Considering the prayer made by the counsel for the petitioner and on perusal of the materials on record, this Court finds that the petitioner has been able to prove the Will and accordingly, the petitioner is entitled to get probate in terms of the last Will and Testament dated 18th June, 2012.

In view of the above, prayer (a) of the application is allowed.

At the time of grant of probate, copy of the Will may be annexed to the probate.

PLA/89/2020 is disposed of.

(KRISHNA RAO, J.)

RS