

OD-7

ORDER SHEET

PLA/63/2018
IA No.GA/4/2022

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

IN THE GOODS OF :
DIPIKA DUTTA, DECEASED

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date : January 18, 2023.

Appearance:
Mr. Sayantan Chatterjee, Adv.
Mr. Niladri Banerjee, Adv.
Mr. Deepankar Thakur, 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 29th September, 2014 executed by the testatrix Dipika Dutta, wife of Late Balai Chandra Dutta.

Counsel for the petitioner submits that the testatrix died on 26th March, 2015 and the husband of the testatrix was predeceased to the testatrix and there was no issue out of their wedlock. Counsel for the petitioner submits that the Will was executed by the testatrix in presence of the attesting witnesses, out of which one attesting witness has filed his affidavit in support of the Will. Counsel for the petitioner prays for grant of probate in terms of the last Will and Testament dated 29th September, 2014 executed by the testatrix Dipika Dutta.

Considered the submission made by the counsel for the petitioner.

Perused the Will which is in Bengali language and duly translated in English language, original death certificate of the testatrix and the affidavit of the attesting witness.

It is found that the attesting witness, namely, Samarpan Mukhopadhyay @ Mukherjee has categorically stated that he is one of the attesting witnesses of the last Will and Testament dated 29th September, 2014. He has further stated that the testatrix had executed the said Will in his presence and also in presence of other attesting witness. He has also stated that at the time of execution of the Will, the testatrix was in fit state of mind and was possessing good health.

In view of the submission made by the counsel for the petitioner and after perusing the documents i.e. the original Will along with the translated copy of the Will, death certificate, affidavit of the attesting witness, this Court finds that the petitioner has been able to prove the Will and Testament dated 29th September, 2014 and there is no circumstances to create any suspicion over the last Will and Testament of the deceased.

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

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

PLA/63/2018 is disposed of.

GA/4/2022 is appearing in the list today though the same has already been disposed of in terms of the order dated 11th July, 2022.

(KRISHNA RAO, J.)