

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

PLA/112/2020

IN THE GOODS OF-
RANJANA NAG (DEC.)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: 25TH JANUARY, 2023.

Appearance:
Mr. Emon Bhattachaya, Adv.
Ms. Pooja Sah, Adv.
..for the applicant.

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 of the testatrix Ranjana Nag who died on 19th May, 2014.

Counsel for the petitioner submits that the testatrix has executed the Will in presence of two witnesses and is also registered before the competent authority.

Counsel for the petitioner submits that the husband of the testatrix was the pre-deceased to his wife. There is no issue in the wedlock between them. The petitioner is the nephew of testatrix. Petitioner submits that the testatrix left behind eleven legal heirs and out of the eleven legal heirs, one of the legal heirs namely Shibashish Nag has filed his affidavit of consent and none has come forward for giving consent or filing caveat.

Counsel for the petitioner draws the attention of this Court to this certificate issued by the Department wherein it is certified that no intimation has been issued by the Court for grant of probate or Letters of

Administration in respect of the property to the credit of the deceased Ranjana Nag.

Counsel for the petitioner submits that two attesting witnesses have filed their affidavit affirming the Will executed by the testatrix and prayed for grant of probate.

Considered the submission made by the counsel for the petitioner, perused the original Will, death certificate of the testatrix who died on 4th October, 2014, the report of the Department of this Court and affidavit filed by the attesting witnesses.

The attesting witnesses in their affidavit have categorically stated that the testatrix had executed the Will in their presence and after going the contents of the said Will the testatrix had executed the same in presence of the witnesses wherein the petitioner was appointed as executor to the last Will and Testament.

The attesting witnesses further stated that at the time of execution of the Will the testatrix was having good health and fit state of mind.

Considered the submissions and documents. This Court finds that petitioner is able to prove the Will and as such petitioner is entitled to get probate in terms of the last Will and Testament dated 19th May, 2014.

In view of the above, prayer (d) of the probate 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.

PLA No. 112 of 2020 is disposed of.

(KRISHNA RAO, J.)