

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

PLA/67/2016

IN THE GOODS OF :
BHABA RANJAN DAS (DEC)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : August 28, 2023.

Appearance:

Mr. Sanjib Kumar Mukhopadhyay, Adv.

Ms. Prama Ghosh, Adv.

Ms. Nargish Parveen, Adv.

..for the petitioner

The Court: Counsel for the petitioner is present.

Counsel for the petitioner has filed the present application for grant of probate of the last Will and Testament dated 31st January, 1992.

Counsel for the petitioner submits that the testator Bhaba Ranjan Das has executed his last Will and Testament dated 31st January, 1992 by appointing the petitioner as executor of his last Will and Testament.

He submits that the said Will was duly signed by the attesting witness and the same duly registered before the Additional District Sub Registrar, Cossipore Dum Dum, District North 24 Parganas.

Counsel for the petitioner submits that the wife of the testator was pre-deceased to the testator and the testator died on 20th October, 2014 leaving behind his six daughters and one son.

Counsel for the petitioner submits that the petitioner has taken appropriate steps for issuance of Special Citation and General Citation but

after issuance of citation none of the daughters of the testator has come forward filed their caveat or Counsel for grant of probate of the said Will.

Counsel for the petitioner submits that both the attesting witnesses of the Will have also expired and as such the petitioner could not be able to produce the attesting witnesses but the petitioner has examined himself as one of the witnesses who is also the attending witness of the Will as in his presence the executor has executed his last Will and Testament.

Another attending witness namely, Gita Majumdar examined who is the wife of Bishnupada Majumdar who is one of the attesting witnesses of the Will. The witness Gita Majumdar during her evidence said that she along with her husband was present at the house at the time of execution of the last Will and Testament by the testator and the testator has signed the last Will in her presence and her husband has also signed in the said Will as one of the attesting witnesses. Will as well as signature of the testator and the signature of the attesting witness were duly exhibited as per the identification made by the witnesses.

Counsel for the petitioner submits that he has proved the Will and prayed for grant of probate.

Considered the submission made by the Counsel for the petitioner, perused the original Will, death certificate of the testator and his wife and evidence of the witness. This Court finds that the petitioner has been able to prove the Will and there is no circumstances to get any suspicion as to the execution of the said Will.

Accordingly, the petitioner is entitled to get probate of the last Will and Testament dated 31st January, 1992.

In view of the above, prayer (a) of PLA No. 67 of 2016 is allowed, subject to completion of all formalities.

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

Accordingly, PLA No. 67 of 2016 is allowed.

(KRISHNA RAO, J.)

Sbghosh