

OD-9

ORDER SHEET

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

PLA/155/2020

IN THE GOODS OF:
SHRI BIMAL KUMAR NOPANY (DECED)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: March 2, 2023.

Appearance:

Ms. Suchishmita Ghosh Chatterjee, Adv.

Mr. Pratik Mukhopadhyay, 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 12th December, 2019 of the testator Bimal Kumar Nopany.

Counsel for the petitioner submits that the testator died on 20th August, 2020 leaving behind three legal heirs i.e. wife, son and a daughter. Counsel for the petitioner submits that all the legal heirs have filed their affidavits confirming their no objection for grant of probate to the petitioner in terms of the last Will and Testament dated 12th December, 2019. Counsel for the petitioner submits that the testator had executed the Will in presence of two attesting witnesses, namely, Bhagawati Prasad Sharma and Madhu Tiwari and both the attesting witnesses have filed their affidavits confirming that the testator had executed the Will in their presence by appointing the

petitioner as executor of his last Will and Testament and the testator has executed the Will while possessing good health and fit state of mind. Counsel for the petitioner prays for grant of probate in terms of prayer (a) of the instant application.

Considered the submission made by the counsel for the petitioner.

Perused the original Will dated 12th December 2019, death certificate of the testator, affidavits of the legal heirs of the testator and the affidavits of the attesting witnesses.

After going through the affidavits of the attesting witnesses, this Court finds that the attesting witnesses have categorically stated that the testator had executed the Will while possessing good health and fit state of mind.

Considering the submission and the documents, this Court finds that the petitioner has proved the Will and as such the petitioner is entitled to get probate of the last Will and Testament dated 12th December, 2019. Accordingly, prayer (a) of the probate application is allowed subject to compliance of all formalities.

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

PLA/155/2020 is disposed of.

(KRISHNA RAO, J.)