

OD-7

ORDER SHEET

PLA/127/2018

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

IN THE GOODS OF:  
BORUN VIKRAMJIT CHANDA (DECEASED)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : September 26, 2023.

Appearance:

Ms. Susmita Pal, Adv.  
...for the petitioner

The Court: Ms. Susmita Pal, learned advocate, is appearing for the petitioner.

Counsel for the petitioner submits that the petitioner has filed the present application for grant of probate of the last Will and Testament dated 14<sup>th</sup> October, 2007 executed by the Testator Borun Vikramjit Chanda.

Counsel for the petitioner submits that the testator in his last Will and Testament dated 14<sup>th</sup> October, 2007 has appointed the petitioner as sole executor of his last Will. The testator died on 2<sup>nd</sup> December, 2011 leaving behind his wife and two daughters.

The wife of the testator received the general citation but she has neither filed the affidavit of consent nor has filed any affidavit in support of caveat.

As regards the daughters, special and general citations were also served upon the daughters and paper publication was also made but none of the daughters have come forward for giving consent or filing caveat.

The Registrar, Insolvency has submitted a report dated 1<sup>st</sup> September, 2023 wherein it was certified that no caveat has entered by any of the parties for grant of probate.

Counsel for the petitioner submits that attesting witness has also filed his affidavit in support of the Will and prayed for grant of probate.

Considering the submission made by the counsel for the petitioner.

Perused the original Will, death certificate of the testator, the report submitted by the Registrar, Insolvency and the affidavit submitted by the attesting witness.

The attesting witness of the Will, namely, Shyamal Kirtania, has submitted that the testator has executed his last Will and Testament in his presence and in presence of the another attesting witness while possessing good health and fit state of mind by appointing the petitioner as sole executor of his last Will and Testament.

Considering the submission made by the counsel for the petitioner and the documents as mentioned above, this Court finds that the petitioner has proved the Will and there is no circumstances to create any suspicion over the execution of the Will.

Accordingly, the petitioner is entitled to get probate of the last Will and Testament dated 14<sup>th</sup> October, 2007.

In view of the above, prayer (c) of the probate application is allowed subject to completion of all formalities.

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

PLA/127/2018 is thus disposed of.

(KRISHNA RAO, J.)