

OD 6

PLA 178/2020

IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY & INTESTATE JURISDICTION
ORIGINAL SIDE

IN THE GOODS OF :
KARUNA DAS (DECEASED)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: 1st March, 2023.

APPEARANCE:

Mr. Pradyot Kumar Nandi, 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 of the testatrix, Karuna Das. Counsel for the petitioner submits that the husband of the testatrix was the predeceased to the testatrix and there was no issue in the wedlock between the testatrix and the husband. Counsel for the petitioner submits that parents of the testatrix also were predeceased and there is no surviving person. The deceased has executed her last Will and testament by appointing the petitioner, as executor of her last Will and testament who is her nephew. Counsel for the petitioner submits that after filing of the instant application, citations were issued but no caveat was filed and, accordingly, the office had submitted a report on 20th February, 2023 stating that no caveat has been entered against granting of Probate.

One of the attesting witnesses of the Will has also filed affidavit stating that the testatrix had executed the Will in presence of two attesting witnesses on 4th August, 1988 while possessing good health and fit state of mind. Counsel for the petitioner prays for grant of Probate to the petitioner in terms of the last Will and testament of the testatrix dated 4th August, 1988.

Considered the prayer made by the Counsel for the petitioner, perused the original Will, death certificate of the testatrix, affidavit of the attesting witness and the report of the office. This Court finds that the testatrix died on 28th July, 2008 and after publication of the citation, no caveat is lodged and as per the affidavit of the attesting witness, it is also proved that the testatrix had executed the Will by possessing good health and fit state of mind. Accordingly, this Court finds that the petitioner is able to prove the case for grant of Probate. Accordingly, the petitioner is entitled to get Probate in terms of prayer (b) of the instant application subject to compliance of all formalities. At the time of grant of Probate, the copy of the Will be made part of the said Probate.

PLA No. 178/2020 is disposed of.

(KRISHNA RAO, J.)