

ORDER SHEET

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

PLA/184/2020

IN THE GOODS OF:
AJIT PROSAD BHOWMICK (DEC.)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: March 15, 2023.

Appearance:

Mr. Sutirtha Das, Adv.
Mr. Shounak Sanyal, 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 26th March, 2011 executed by the testator Ajit Prosad Bhowmick.

Counsel for the petitioner submits that the testator had executed the Will on 26th March, 2011 by appointing the petitioner and three others as joint executors of the last Will and Testament and one of the executor, namely, Ramesh Kumar Pariwal, has filed the instant application for grant of probate. The testator died on 1st June, 2013 leaving behind two sons and three daughters. The wife of the testator was predeceased to the testator. The two sons, namely, Amit Bhowmick and Ashish Bhowmick have filed their affidavit of consent for grant of probate and with regard to the daughters, Citations were issued upon the daughters but in spite of issuance of Citations, none of the daughters have come forward to lodge any

caveat. The Registrar of Testamentary and Intestate Jurisdiction of this Court has filed a report wherein it has been certified that the Citations were served upon the legal heirs but no caveat has been entered for grant of probate.

One of the attesting witnesses of the last Will, Tarit Sarkar, has filed his affidavit confirming that the testator has executed the Will on 26th March, 2011 in presence of the attesting witnesses by appointing the petitioner along with other three persons as joint executors of the last Will and Testament. The attesting witness has also stated that at the time of execution of the Will, the attesting witnesses were present and the testator has signed the Will in their presence while possessing good health and fit state of mind.

Considered the submission made by the counsel for the petitioner.

Perused the original Will dated 26th March, 2011, affidavit of the sons, report of the office and the affidavit of the attesting witness.

In view of the above, this Court finds that the petitioner is able to prove the Will and there is no circumstances to create any suspicion over the said Will. The petitioner is entitled to get the probate.

Accordingly, prayer (c) of the instant 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/184/2016 is disposed of.

(KRISHNA RAO, J.)