

ORDER SHEET

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

PLA/165/2018

IN THE GOODS OF :
SMT. RAMALA SIL (DECEASED)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: 17th February, 2023.

Appearance:
Mr. Suvasish Sengupta, Adv.

The Court: Initially Sri Parag Rakshit, being the executor of the last Will and Testament of testatrix Ramala Sil, has filed the instant application for grant of probate but during the pendency of the instant application, Parag Rakshit passed away and after the death of Parag Rakshit, the petitioners were substituted and the petition is converted from grant of probate to grant of Letters of Administration.

Counsel for the petitioner submits that the testatrix Ramala Sil has executed the Will on 17th December, 2007 in presence of two independent witnesses while possession good health and fit state of mind.

Counsel for the petitioner submits that the testatrix died leaving behind two legal heirs, namely, Sunilim Dutta i.e. the brother and Manisha Smith i.e. the sister.

Both the legal heirs have filed their affidavit in support of the petition. One of the attesting witnesses, namely, Indira Bhattacharya, has also filed affidavit stating the fact that the testatrix had executed the Will in her

presence as well as in presence of Dr. Ananda Kali Sen, being the other witness on 17th December, 2007 while possessing good health and fit state of mind. The attesting witness also stated in affidavit that the testatrix had executed the said Will after knowing the contents of the said Will in their presence and thereafter witnesses have put their signatures as attesting witnesses.

Considered the submission made by the counsel for the petitioner.

After perusing the original Will, death certificate of the testatrix who died on 22nd October, 2011, affidavit of legal heirs and affidavit of attesting witness, this Court finds that the petitioner is able to prove the Will and there are no circumstances to create any suspicion over the said Will.

In view of the above, this Court is of the view that the petitioners are entitled to get Letters of Administration in terms of the Last Will and Testament dated 17th December, 2007.

The department is directed to issue Letters of Administration to the petitioners in terms of prayer (a) of the instant application after completion of all formalities.

PLA/165/2018 is disposed of.

(KRISHNA RAO, J.)