

OD-3

ORDER SHEET

PLA/210/2020

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

IN THE GOODS OF :
PURABI SINHA (DEC.)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : August 18, 2023.

Appearance:
Mr. Suranjit Ghosh, Adv.

The Court: Counsel for the petitioners is present.

The petitioners have filed the present application for grant of probate of the last Will and Testament dated 2nd May, 2013 executed by the testatrix, namely, Purabi Sinha, wife of Late Chandi Charan Sinha. The testatrix died on 8th December, 2013 leaving behind six legal heirs, i.e. nephews and nieces. The husband of the testatrix was predeceased to the testatrix who died on 1st June, 1996. The testatrix was issueless. All the legal heirs have submitted their no objection for grant of probate to the petitioners in terms of the last Will and Testament dated 2nd May, 2013. The petitioners have also submitted the affidavit of one of the attesting witnesses, namely, Suvra Sen.

Counsel for the petitioners submits that the petitioners have proved the Will and prayed for grant of probate in terms of the last Will and Testament dated 2nd May, 2013.

Considered the prayer made by the Counsel for the petitioners. Perused the original Will of the testatrix dated 2nd May, 2013, death certificate of the testatrix dated 8th December, 2013, affidavit of consent of all the legal heirs, affidavit of one of the attesting witnesses and the death certificate of the husband of the testatrix.

After considering the submissions made by the Counsel for the petitioners and perusing the documents, this Court finds that the petitioners have able to prove the Will and there are no circumstances to create any suspicion over the execution of the Will.

The attesting witness in her affidavit categorically stated that the testatrix had executed the Will in her presence and in presence of the other attesting witness by appointing the petitioners as executors of her last Will and Testament. It is further stated in the affidavit that at the time of execution of the Will, the testatrix was fit state of mind and was able bodied.

In view of the above, this Court finds that the petitioners are entitled to get the probate of the Will dated 2nd May, 2013.

Accordingly, probate is granted subject to compliance of all formalities.

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

PLA/210/2020 is thus disposed of.

(KRISHNA RAO, J.)