

ORDER SHEET

IA No. GA/4/2023

In

PLA/214/2020

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

IN THE GOODS OF:
MURLI DHAR JINDAL (DECEASED)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : October 9, 2023.

Appearance:

Mr. Soumabho Ghose, Adv.

Mr. Soumalya Ganguli, Adv.

Ms. Tiana Bhattacharyya, Adv.

...for the applicant/petitioner

Mr. Jishnu Chowdhury, Adv.

Mr. Aritra Basu, Adv.

Ms. Shruti Swaika, Adv.

Ms. Yukti Agarwal, Adv.

...for the Executors

The Court: Mr. Soumabho Ghose, learned advocate appearing for the petitioner.

The petitioner has produced the original last Will and Testament of the testator Murli Dhar Jindal dated 31st August, 2010 and Codicil to the last Will and Testament dated 15th June, 2015 for passing final order in the instant case.

The petitioner has filed the present application for grant of probate of the last Will and Testament dated 31st August, 2010 and the Codicil dated 15th June, 2015. The testator has executed the Will and Codicil by

appointing the petitioner as executor of the last Will and Testament in presence of the attesting witnesses.

The testator died on 13th January, 2019 leaving behind his two legal heirs, namely, Rajiv Jindal and Sanjeev Jindal. The wife of the testator was predeceased to the testator. Both the legal heirs have filed their affidavit-of-consent stating that they have no objection for grant of probate of the Will and Codicil in favour of the petitioner.

The attesting witness has also filed the affidavit stating that the testator has executed his last Will and Testament on 31st August, 2010 in presence of the attesting witnesses by appointing the petitioner as executor of the said Will and the attesting witness also confirmed that the testator has also executed the Codicil on 15th June, 2015 in his presence. The attesting witness also stated that the testator has executed his last Will and Testament as well as Codicil while possessing good health and fit state of mind.

Considered the submission made by the counsel for the petitioner.

Perused the original Will, Codicil, death certificate of the testator, affidavit of consent of the legal heirs of the testator and the affidavit of the attesting witnesses.

This Court finds that the petitioner has proved the Will and there is no circumstances to create any suspicion over the execution of the said Will.

Accordingly, the petitioner is entitled to get probate in terms of the last Will and Testament dated 31st August, 2010 and the Codicil dated 15th June, 2015 after compliance of all formalities.

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

PLA 214 of 2020 is thus disposed of.

The Original Will dated 31st August, 2010 and the Codicil dated 15th June, 2015 be kept with the record.

The applicant Rajiv Jindal has filed an application begin GA/4/2023 for removal of the executor only on the ground that the executor has not taken any steps for grant of probate as early as possible. Now this Court has passed an order for grant of probate and accordingly the application being GA/4/2023 has become infructuous.

GA/4/2023 is dismissed as infructuous but the petitioner is at liberty to file a fresh application in future as and when the occasion arises.

(KRISHNA RAO, J.)