

OD-12

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

PLA/230/2019

IN THE GOODS OF KALPANA ADHIKARY (DEC)

BEFORE:  
The Hon'ble JUSTICE KRISHNA RAO  
Date: 21<sup>ST</sup> June, 2023.

Appearance:  
Mr. Pijush Kanti Khanra, Adv.  
Mr. Mrinal Kanti Biswas, Adv.  
...For the Petitioner

The Court: Counsel for the petitioner is present.

The petitioner has filed the present application for grant of probate of the last Will and Testament of the testatrix Kalpana Adhikary alias Kalpana Begum dated 14<sup>th</sup> May, 2018 wherein the testatrix has appointed the petitioner as sole executor of her last Will and Testament. Counsel for the petitioner submits that the testatrix has executed her last Will and Testament on 14<sup>th</sup> May, 2018 by appointing the petitioner as sole executor. The testatrix died on 18<sup>th</sup> February, 2019 by leaving behind three legal heirs that is the petitioner who is the husband and two daughters, namely, Monika Khatun and Rinki Mondal. Both the daughters, namely, Monika Khatun and Rinki Mondal have given their consent by affirming an affidavit stating that they have no objection for

grant of probate to the petitioner. Both the daughters are also the attesting witnesses and both have also submitted in their affidavits stating that the testatrix had executed her Will in their presence by appointing the petitioner as executor while possessing good health and fit state of mind.

Heard the learned Counsel for the petitioner perused the original Will, death certificate, and affidavit of consent of the legal heirs and the affidavit of attesting witnesses.

This Court find that the testatrix has executed the Will by appointing the petitioner as Sole Executor while possessing good health and fit state of mind and there is no circumstances to create any suspicious of execution of Will.

Accordingly, this Court find that the petitioner has proved the Will.

In view of the above, the petitioner is entitled to get the probate of the last Will and Testament dated 14<sup>th</sup> May, 2018. The office is directed to issue probate on compliance of all formalities and the copy of the probate made as part of the probate.

PLA/230/2019, is thus disposed of.

(KRISHNA RAO, J.)