

ORDER SHEET

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

PLA/235/2019

IN THE GOODS OF :
SUDHANSU PAL ALIAS SUDHANGSHU PAUL (DEC)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : September 25, 2023.

Appearance:
Mr. Hironmoy Ghosh, Adv.
..for the petitioner

The Court: Mr. Hironmoy Ghosh, learned Counsel is appearing for the petitioner.

The petitioner, Smriti Pal has filed the present application for grant of probate of the last Will and Testament dated 26th December, 2016 executed by the testator Sudhansu Pal.

Counsel for the petitioner submits that the testator has executed his last Will and Testament by appointing the petitioner being the sister Smriti Pal and his nephew Shyamal Kundu as joint executors of the said Will.

The petitioner submits that the testator was unmarried and he died on 3rd April, 2017 leaving behind his one nephew and one niece and one brother and two sisters. The petitioner submits that none of the legal heirs have raised any objection by filing any caveat or affidavit in support of caveat against the grant of probate to the petitioner in terms of the Will dated 26th December, 2016.

The petitioner submits that one of the executors, namely, Shyamal Kundu has filed the affidavit giving no objection for grant of probate to the petitioner in terms of the Will and the attesting witnesses of the Will have also filed their affidavit in support of the Will. Counsel for the petitioner submits that the petitioner has proved the Will and prayed for grant of probate.

Considered the submission made by the Counsel for the petitioner. Perused the original Will, death certificate, the report submitted by the Registrar, Insolvency wherein it is certified that no caveat has been lodged to object for grant of probate.

This Court also perused the affidavit of one of the executors, wherein he has stated that he has no objection for grant of probate to the present petitioner in terms of the Will. The attesting witnesses, namely Animesh Mandal and Tapan Kumar Kundu have filed their affidavits stating that the testator had executed his last Will and Testament in their presence by appointing the petitioner and Mr. Shyamal Kundu as executors of the last Will and Testament and they have also stated that at the time of execution of the Will the testator was possessing good health and fit state of mind.

Considering the submission made by the Counsel for the petitioner and after perusing the documents this Court finds that petitioner has proved the Will and the petitioner is entitled to get probate.

Accordingly, prayer (c) of the application being PLA/235/2019 is allowed subject to completion of all formalities.

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

PLA/235/2019 is disposed of.

(KRISHNA RAO, J.)

Sbghosh