

OD-13

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

PLA/262/2019

IN THE GOODS OF USHA SARAOGI (DECED)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: 21ST June, 2023.

Appearance:
Mr. Amritam Mandal, Adv.
Mr. Anil Choudhury, Adv.
Ms. A. Chakraborty, 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 dated 5th October, 2016 executed by the testatrix Usha Saraogi wherein the petitioner is appointed as executor of the said Will. Counsel for the petitioner submits that the testatrix died on 29.11.2016. The husband and the son of the testatrix are the pre-deceased to the testatrix and the mother and father of the testatrix were also pre-deceased to the testatrix.

The details of legal heirs are mentioned at para 11 of the present application and as per the report of the Registrar Insolvency, Original Side, instead of issuance of the special citation none has come forward either to file their caveat or to give consent in favour of the petitioner.

The attesting witness, namely, Akhilesh Saraogi has filed the affidavit stating that the testatrix had executed her last Will and testament in his presence and in presence of the another attesting witness while possessing good health and fit state of mind.

Considered the submissions made by Counsel for the petitioner and perused the original will, death certificate, report of the Registrar Insolvency of the affidavit of the attesting witness.

This Court find that there is no circumstances of any suspicious for execution of the Will and the petitioner has proved the Will.

In view of the above, the petitioner is entitled to get probate of the last Will and Testament dated 5th October, 2016.

The Office is directed to issue probate to the petitioner after compliance of all formalities and at the time of granting of probate the copy of the Will is made part of the probate.

PLA/262/2019 is thus disposed of.

(KRISHNA RAO, J.)