

OD-23

ORDER SHEET

PLA/265/2019

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

IN THE GOODS OF :
INDERJIT SINGH CHADHA @ S INDERJIT SINGH CHADHA (DEC)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : January 18, 2023.

Appearance :

Mr. Anirban Kar, Adv.

Mr. Munshi Ashiq Elahi, Adv.

Ms. Sushmita Bhattacharjee, Adv.

Ms. Snigdha Das, Adv.

... for the petitioner

The Court: Counsel for the petitioner is present.

The petitioner has filed the instant application for grant of probate of the last Will and Testament dated 26th September, 2002 of the testator Inderjit Singh Chadha @ S Inderjit Singh Chadha.

Counsel for the petitioner submits that in the Will, the testator has appointed his wife Jagjit Kaur Chadha as the sole executrix but in the said Will it is also mentioned that in the event of the death of his wife, his son Gagandeep Singh Chadha shall act as the sole executor of the Will. Counsel for the petitioner submits that the executrix Jagjit Kaur Chadha died on 29th August, 2018 and as such, the son of the testator has filed the instant application for grant of probate. Counsel for the petitioner submits that the testator Inderjit Singh Chadha @ S Inderjit Singh Chadha died on 1st July, 2017 leaving behind three legal heirs, out of which, his wife has already

expired. Counsel for the petitioner submits that all the steps have been taken for issuance of citations. In spite of issuance of citations, none has appeared either by filing affidavit of consent or by filing caveat and the Office has also submitted report to that effect that no caveat has been filed against the grant of probate of the Will.

Considered the submission made by the counsel for the petitioner.

Perused the original Will, death certificate of Inderjit Singh Chadha as well as Jagjit Kaur Chadha and the affidavit filed by one of the attesting witnesses of the Will, namely, Guru Prosad Banerjea. The attesting witness in his affidavit has categorically stated that the testator had executed the Will on 26th September, 2002 in presence of the attesting witnesses while possessing good health and fit state of mind.

Considering the submission made by the counsel for the petitioner and the documents, as mentioned above, this Court finds that the petitioner has been able to prove the Will and accordingly, the petitioner is entitled to get probate of the last Will and Testament dated 26th September, 2002.

In view of the above, prayer (a) of the application is allowed.

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

PLA/265/2019 is disposed of.

(KRISHNA RAO, J.)