

ORDER SHEET

PLA/222/2018

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

IN THE GOODS OF:
BANSHARI MOHAN DHAR (DECEASED)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : May 12, 2023.

Appearance:

Mr. Meghnad Dutta, Adv.

Mr. Arindam Paul, Adv.

Ms. Ankita Sikdar, Adv.

... for the executor

The Court: Counsel for the petitioner is present.

The petitioner has filed the present application being PLA/222/2018 for grant of probate of the last Will and Testament dated 30th July, 2002 executed by the Testator Banshari Mohan Dhar by appointing the petitioner as sole executor of the said Will.

Counsel for the petitioner submits that the testator during his life time had executed the Will by appointing the petitioner as executor in presence of two attesting witnesses. The testator was unmarried and died leaving behind the petitioner as his sole heir being the brother. One of the attesting witnesses namely, Rajat Kumar Dhar has filed his affidavit stating that the testator had executed the Will in his presence by appointing the petitioner as the sole executor and the testator had signed the Will in his presence while possessing good health and fit state of mind.

Considered the submission made by the counsel for the petitioner.

Perused the death certificate of the testator, original Will dated 30th July, 2002 and the affidavit of the attesting witness.

This Court finds that the petitioner has proved the Will and there is no circumstances to raise any suspicion over the Will. Accordingly, the petitioner is entitled to get the probate of the last Will and Testament dated 30th July, 2002.

In view of the above, prayer (a) of the application is allowed subject to completion of all formalities.

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

PLA/222/2018 is disposed of.

(KRISHNA RAO, J.)

RS