

OD-24

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

PLA/288/2019

IN THE GOODS OF- SMT. NEERU NATH @ NIRU SINGH @
TABBY @ TABBY ABRAHAM (DEC.)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: 9th January, 2023.

Appearance:
Ms. Dipika Banu, Adv.
Mr. S. Chakraborty, Adv.
... for the plaintiff.

The Court : Counsel for the petitioner is present. Petitioner has filed the instant application for grant of probate of the last Will and testament of the testatrix Neru Nath @ Niru Singh @ Tabby @ Tabby Abraham dated 16th June, 2012. Counsel for the petitioner submits that the testatrix had executed the Will by appointing the petitioner as executor of the said last Will and testament dated 16th June, 2012. The testatrix died on 18th July, 2018 leaving behind five sons namely Shankar Singh, Krishna Kumar Singh, Ganesh Singh, Ramesh Singh and Panna Singh and two daughters namely Vijay Laxmi Singh and Asha Roy Chowdhury nee Singh. Counsel for the petitioner submits that the petitioner is the husband of the daughter Asha Roy Chowdhury nee Singh. Daughter Asha Roy Chowdhury nee Singh died on 23rd January, 2021 and accordingly vide order dated 25th February, 2022 this Court has recorded the death of the said daughter of the testatrix. Counsel for the petitioner submits that all the legal heirs have filed their affidavit of consent and one of the attesting witnesses namely Mr. Prabir Kr. Dey has already filed his affidavit. Counsel for the petitioner prays for grant of probate in terms of last Will and testament dated 16th June, 2012. The

attesting witness Mr. Prabir Kr. Dey has stated in his affidavit that the testatrix had executed her last Will and testament on 16th June, 2012 in his presence and in the presence of another attesting witness namely Mr. Arindam Ghosh. Attesting witness further stated that the testatrix at the time of execution of the Will was possessing good health and was having fit state of mind.

Considering the prayer made by the Counsel for the petitioner, perused the death certificate, original Will, affidavit of consent of all the legal heirs and affidavit of the attesting witness Mr. Prabir Kr. Dey this Court find that petitioner is able to prove the last Will and testament dated 16th June, 2012 and as such the petitioner is entitled to get probate.

Accordingly, prayer (a) of the probate application is allowed.

At the time of granting of probate the copy of the Will be annexed along with the probate.

PLA/288/2019 is disposed of accordingly.

(KRISHNA RAO, J.)