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

PLA/297/2019

IN THE GOODS OF HANUMAN MAL PINCHA (DEC)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: 17TH JANUARY, 2023.

Appearance:
Mr. K. R. Das, Adv.
Mr. Arik Banerjee, Adv.
..for the plaintiff

The Court: Counsel for the petitioner is present.

Counsel for the petitioner submits that the petitioner has filed the instant application for grant of probate of the Will dated 1st October, 2002 and the notes made by the testator in the said Will dated 6th July, 2007.

Counsel for the petitioner submits that the testator has executed the Will by appointing his two sons as executor of the Will. The petitioner is one of the executor and the another executor namely, Ratan LaL Nakhat had filed his affidavit of consent.

Counsel for the petitioner submits that the testator died on 24th January, 2019 leaving behind his wife and two sons and two daughters.

Counsel for the petitioner submits that the wife of the testator died on 12th February, 2000 and one of the daughters died on 9th July, 2012.

Counsel for the petitioner submits that all the legal heirs have filed their affidavit of consent. One of the attesting witnesses, namely, Bachraj Nakhat had also filed affidavit in support of the Will.

Counsel for the petitioner submits that none of the legal heirs have objected for grant of probate to the petitioner in terms of the Will dated 1st October, 2002 read with dated 6th July, 2007.

Considered the submission made by the Counsel for the petitioner, perused the original Will as well as the translated copy of the Will, death certificate of the testator, affidavit of submission by the legal heirs of the testator and affidavit submitted by the one of the attesting witness of the Will.

From the affidavit of the attesting witness it reveals that the testator had executed the Will in his presence as well as in presence of the other attesting witnesses firstly, on 1st October, 2002, subsequently again on 6th July, 2007.

The attesting witness further stated that in his affidavit that the testator was possessing good health and was fit state of mind while executing the Will on both occasions.

Considering the submission made by the Counsel for the petitioner and the documents as stated above, this Court finds that the petitioner is able to prove the Will and accordingly, the petitioner is entitled to the grant of probate as prayed for.

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

At the time of grant of probate, the copy of the Will along with translated copy of the same be made as part of the probate.

PLA No. 297 of 2019 is disposed of.

The death certificate of the testator's wife be kept with the record.

(KRISHNA RAO, J.)