

PLA/157/2022
IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY AND INTESTATE JURISDICTION

IN THE GOODS OF:
NITAI CHANDRA DAS, DECEASED

BEFORE:
The Hon'ble JUSTICE ARINDAM MUKHERJEE
Date: 10th August, 2023.

Appearance:
Mr. Tapan Sil, Adv.
For the petitioner.

The Court :- This is an application for grant of probate of the last Will and Testament dated 10th June, 2013 and Codicil dated 24th July, 2020 left behind by the abovenamed deceased.

There is no challenge to the grant from the persons cited. There is also no challenge pursuant to the publication of the gist of the general citation from any quarter. No caveat certificate has been issued by the Department.

It is pointed out by the Department that the Will comprises of a codicil wherein there is only one attesting witness. The codicil forms part of the Will and the Will has been duly attested by two attesting witnesses. The will has been proved in common form. There being no challenge to the Will with the immovable property under the Will having been bequeathed to the charitable organization, this defect which is an irregularity and not an illegality be ignored.

Considering the view of the department upon complete scrutiny, the application for grant of probate is allowed by granting order in terms of prayer (d) of the petition.

The petition for grant of probate stands disposed of, accordingly.

(ARINDAM MUKHERJEE, J.)

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