

PLA/150/2023
IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY AND INTESTATE JURISDICTION

IN THE GOODS OF:
SMT. TAPATI LAHIRI, DECEASED

BEFORE:
The Hon'ble JUSTICE ARINDAM MUKHERJEE
Date: 21st December, 2023.

Appearance:
Mr. Udaynarayan Betal, Adv.
For the petitioner.

The Court :- The testatrix died on 24th November, 2007 leaving behind a Will dated 31st December, 1998 leaving behind her husband, one son and a daughter as her legal heir/heirress.

The husband of the testatrix died on 5th March, 2009. The joint applicants are respectively son and daughter of the testatrix.

The application has been made on 1st May, 2023 i.e. after a lapse of about 16 years. The only explanation given for the delay in filing the application is financial exigency, which prevented the petitioner from filing the application for grant. Although the reason for delay is not satisfactory, yet considering the pleadings and that the delay can be condemned on the ground of continuous cause the grant is allowed in terms of prayer (a) of the petition for the ends of justice as the Will has been proved in common form by the affidavit of the attesting witness and no one has appeared when the matter has been placed in the list to object to the grant.

(ARINDAM MUKHERJEE, J.)