

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

PLA/269/2018

IN THE GOODS OF: ARVIND
KUMAR GOENKA, DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: 03RD JANUARY, 2023.

Appearance:
Mrs. Suchismita Ghosh, Adv.
Mr. Abirlal Ghosh, Adv.
..for the petitioner

The Court: Counsel for the petitioner is present and filed supplementary affidavit. Let the same be kept with the record.

Counsel for the petitioner has filed the instant application for grant of probate in respect of the last Will and Testament of the Testator, Arvind Kumar Goenka, son of late Gouri Shankar Goenka who died on 29th February, 2016.

Counsel for the petitioner submits that the testator has appointed the petitioners as joint executors of the said Will. The testator died on 22nd March, 2018 leaving behind one son Atmaram Goenka and two daughters namely Rit Jhunjhunwala and Shruti Seksaria.

The petitioner submits that the Will was executed by the testator in presence of two attesting witnesses namely Sitaram Kasera and Sarita Tibrewala.

Counsel for the petitioner submits that the wife of the testator was pre-deceased died on 26th March, 2007.

Counsel for the petitioner submits that as there is no caveat and none has objected for grant of probate to the petitioners in terms of last Will and Testament dated 26th February, 2016 which was duly consented by the other legal heirs of the testator.

Considering the submission made by the Counsel for the petitioner the original Will, affidavit of consent of the legal heirs and affidavit of attesting witnesses along with their declaration. In the affidavit of attesting witness, the attesting witnesses have categorically stated that the testator has executed the Will on 29th February, 2016 in their presence after understood the contents of the Will at the time of execution of the Will the testator was fit state of mind and passing good health.

Considering the submission made by the Counsel for the petitioner and the documents available on record, this Court finds that the petitioner is able to prove the last Will and Testament of deceased, Arvind Kumar Goenka.

Accordingly, prayers (a) and (b) of the Master's Summons are allowed.

At the time of grant of probate the copy of the Will be annexed with the probate.

PLA No. 269 of 2018 is disposed of.

(KRISHNA RAO, J.)