

ORDER SHEET

PLA/148/2016

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

IN THE GOODS OF:
LALIT MOHAN DUTTA, DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : February 1, 2023.

Appearance
Mr. Jit Ray, Adv.
... for the petitioner

The Court : Counsel for the petitioner is present.

Initially one Sri Kedarnath Dutta who is the beneficiary of the last Will and Testament of the testator Lalit Mohan Dutta had filed an application for grant of Letters of Administration. During the pendency of the instant application, Kedarnath Dutta died and after his death his wife Rita Dutta was substituted. Lalit Mohan Dutta had married twice. His first wife Durga Rani Dutta died on 28th December, 1944. In the wedlock between Durga Rani Dutta and Lalit Mohan Dutta, three children were born and in the wedlock between Lalit Mohan Dutta and Lakshmisona Dutta four children were born. Lakshmisona Dutta died on 10th December, 2012. In the last Will and Testament, the testator had declared his second wife as executor but during her lifetime she has not initiated any proceeding for grant of probate of the last Will and Testament dated 21st January, 1983. The following children were born out of wedlock between Lalit Mohan Dutta

and Durga Rani Dutta (a) Mira Laha, (b) Basudeb Dutta and (c) Kashinath Dutta. Mira Laha had filed her affidavit of consent on 12th April, 2016 but during the pendency of the application Mira Laha died leaving behind one son, namely, Jayanta Laha who had also filed an affidavit of consent on 5th November, 2019, Basudeb Dutta died who was bachelor and Kashinath Dutta died on 14th November, 2012 leaving behind his wife Chhanda Dutta who has also filed affidavit in support of the Will as an attending witness. The following children were born out of wedlock between Lalit Mohan Dutta and Lakshmisona Dutta (a) Pratima Banerjee, (b) Smt. Indira Mallick, (c) Smt. Purnima Payn and (d) Kedarnath Dutta. Pratima Banerjee died leaving behind one son, namely, Sourav Banerjee who had filed the caveat but subsequently, the caveat was discharged vide order dated 25th November, 2022, the other two other daughters Indira Mallick and Purnima Payn have received citation but they have neither filed any affidavit of consent nor filed any caveat. Counsel for the petitioner submits that as there is no caveat and there is no objection from any corner, the petitioner may be granted Letters of Administration in terms of the last Will and Testament of the deceased Lalit Mohan Dutta who died on 16th June, 1984.

Considered the submission made by the counsel for the petitioner.

Perused the original Will, death certificate, affidavits of consent and affidavit of attending witness. The attending witness Chhanda Dutta in her affidavit has categorically mentioned that the testator has executed the Will on 21st January, 1983 in her presence and at the time of execution of the Will the testator was possessing good physical health and was in fit state of mind.

Considering the submission and the documents available on record, this Court finds that the petitioner is able to prove the case for grant of Letters of Administration.

In view of the above, prayer (d) of the application is allowed subject to completion of all formalities.

PLA/148/2016 is disposed of.

Copy of the Will be made part of the Letters of Administration.

(KRISHNA RAO, J.)