

OD-4

PLA 212 of 2022
IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY & INTESTATE JURISDICTION
ORIGINAL SIDE

IN THE GOODS OF :
DR. ELA LODH, DECEASED

BEFORE:

The Hon'ble JUSTICE Arindam Mukherjee

Date : 20th January, 2023.

Mr. Sukrit Mukherjee, Adv.
. . . for the petitioner.

The Court :- This is an application for grant of probate of a Will said to have been left behind by Dr. Ela Lodh, the abovenamed deceased and the testatrix (hereinafter referred to as the said Will). Although, the heirs in intestacy of the testatrix had filed their consent affidavits but the matter was placed for the Will to be proved in solemn form as there appeared to be a discrepancy as to the date of execution of the Will. At the first page of the said Will it is stated "This present indenture of Deed of Will is prepared and completed, on 04th day of December, 2017" while at the last page immediately before the signature of the testatrix it is mentioned "Dr Ela Lodh has signed this deed of will on 04th day of November, 2017".

The applicant (executor) in order to prove the Will in solemn form has got one of the attesting witnesses examined apart from himself being examined.

After considering the evidence of the two witnesses as aforesaid, I find that the Will has been proved by the evidence of the attesting witness and that of the executor who is also a Lawyer by profession and had the occasion to prepare the

Will at the instruction of the testatrix. The executor had also arranged for registration of the said Will. The subject Will is a registered Will and from the documents tendered in evidence it is evident that the same was executed on 4th December, 2017 at the Salt Lake residence of the testatrix and not on 4th November, 2017. The said Will was presented for registration on the same day i.e. 4th December, 2017 at the Salt Lake residence of the testatrix and was also admitted on 4th December, 2017 as will appear from the documents pertaining to the registration of the Will. The Will is registered in Book No.III, Volume No.1903-2017, pages from 17703 to 17723 being no.190301159 for the year 2017. Considering the evidence, documents relied upon by the propounder, I grant probate of the Will of Dr. Ela Lodh, since deceased treating the same to have been executed on 4th December, 2017 in terms of prayer (a) of the application.

PLA 212 of 2022 is accordingly disposed of.

(Arindam Mukherjee, J.)