

OD-3

PLA/118/2015
IN THE HIGH COURT AT CALCUTTA
Testamentary & Intestate Jurisdiction
ORIGINAL SIDE

IN THE GOODS OF:
RANU BANERJEE, DECEASED

BEFORE :

The Hon'ble JUSTICE KRISHNA RAO

Date: 23rd March, 2023.

Appearance
Mr. Rishad Medora, Adv.
Mr. Dipendra Nath Chunder, Adv.
... for the petitioner

ORDER

The petitioners have filed the instant application for grant of probate of the last Will and Testament dated 31st January, 2010 of the testatrix Ranu Banerjee. In the wedlock between the Ranu Banerjee and Bibhuti Krishna Banerjee, a daughter Chandrayee Bhattacharya was born. The husband and the daughter of the testatrix are the predeceased to her. The testatrix passed away on 6th June, 2013 leaving behind her grandson Debayudh Bhattacharya @ Debayudhra Nath Bhattacharya as her sole legal heir. The Testatrix has

executed her last Will and Testament on 31st January, 2010 by appointing the petitioners as executor and executrix of her Will. In the Will, the testatrix has made clear that her grandson Debayudh Bhattacharjee is minor shall receive the property. The grandson of the testatrix was minor and accordingly the testatrix had appointed the petitioners as guardian of the minor to look after the properties of the testatrix and after attaining the age of 21 years, the grandson Debayudh Bhattacharjee shall take over the responsibility of the property of the testatrix.

The petitioners have examined one of the attesting witness of the Will namely Ruby Bhattacharjee as witness before this Court and during her evidence, the attesting witness has stated that the testatrix had executed her last Will and Testament in her presence and in presence of the other attesting witnesses while possessing good health and fit state of mind.

The father of the minor i.e. the son-in-law of the testatrix has also affirmed an affidavit by giving consent for grant of probate of the Will.

At the time of examination of one of the attesting witness of the Will before this Court, the Will and the Signature of the attesting witness have been exhibited as Exhibit-A and A/1.

This Court perused the original Will which is in Bengali language and is also translated in English language, Death Certificate of the testatrix, application, evidence of the attesting witness and the affidavit of the father of the minor who is the beneficiary of the Will. This Court finds that the

petitioners have proved the Will and there are no circumstances of suspicion over the Will.

In view of the above prayer (a) of the application is allowed subject to compliance of all formalities.

It is made clear that at the time of grant of probate, the copy of the Will be made as part of probate.

(KRISHNA RAO, J.)