

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

PLA/389/2019

IN THE GOODS OF :BANKIM CHANDRA MAJUMDAR (DEC)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : August 22, 2023.

Appearance :
Ms. S. Bala, Adv.
..for the Petitioner

The Court: Counsel for the petitioner is present.

The petitioner has filed the present application for grant of probate of the last Will and Testament dated 1st March, 2006 executed by the testator Bankim Chandra Majumdar wherein the testator has appointed the petitioner as executrix of his last Will and testament.

The testator died on 3rd November, 2007 leaving behind the six legal heirs including his wife but during the pendency of the present application the wife and one of the grandsons of the testator passed away and their deaths have been recorded.

Counsel for the petitioner submits that citations were issued to the legal heirs but none of the legal heirs neither filed their caveat nor affidavit in support of caveat. The report submitted by the office it reveals that no caveat has been lodged in spite of issuance of special citation as well as general citation. The petitioner has also filed the affidavit on behalf of the attesting witness.

Counsel for the petitioner submits that the petitioner has proved the Will and prays for grant of probate.

Considered the submissions made by the Counsel for the petitioner and perused the application, original Will, death certificate of the testator, report of the Registrar Insolvency and the affidavit filed by the attesting witness. As per the report of the department in spite of the special citation as well as general citation no caveat has been lodged.

Attesting witness in his affidavit stated that the testator has executed his last Will and Testament on 1st March, 2006 in his presence and in presence of the other attesting witnesses by appointing the petitioner as one of the executor while possessing good health and fit state of mind.

It is found from the record that that the petitioner has proved the case for grant of probate and there is no suspicious circumstance over the last Will and Testament dated 1st March, 2006.

Considering the above, this Court finds that the petitioner is entitled to get probate of the said Will.

Accordingly, prayer (d) of the application being PLA/389/2019 is allowed subject to compliance of all necessary formalities.

At the time of grant of probate, the copy of the Will be made part of the probate.

PLA/389/2019 is thus disposed of.

(KRISHNA RAO, J.)