

ORDER SHEET

PLA/400/2019

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

IN THE GOODS OF :
CHITTARANJAN ROY CHOWDHURY (DEC)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : January 18, 2023.

Appearance :

Mr. Ambu Bindu Chakraborty, Adv.
Ms. Mrinmoyee Roy Chowdhury, Adv.
... for the petitioner

The Court: Counsel for the petitioner is present.

The petitioner has filed the instant application for grant of probate of the last Will and Testament dated 2nd August, 2012 of the testator Chittaranjan Roy Chowdhury.

Counsel for the petitioner submits that the testator was unmarried and as such the testator had appointed the petitioner as the sole executor of his last Will and Testament. Counsel for the petitioner submits that the testator had one brother, namely, Sunil Kanti Roy Chowdhury. The petitioner has taken steps for issuance of general and special citations but in spite of completion of all procedures, none has appeared to file affidavit of consent or to file caveat against the said Will. The Office has also submitted a report indicating that no caveat has been entered against grant of probate of the last Will and Testament of the testator. Counsel for the petitioner prays for grant of probate in terms of the Will and Testament to the petitioner.

Considered the submission made by the counsel for the petitioner.

Perused the original Will, death certificate of the testator who died on 18th September, 2017. The attesting witness, namely, Mahua Chakraborty has filed her affidavit wherein she has stated that the testator had executed the Will dated 2nd August, 2012 in presence of all attesting witnesses and the testator has signed the said Will in their presence. The attesting witness has further stated that at the time of execution of the Will dated 2nd August, 2012, the testator was in fit state of mind and was possessing good health.

Considering the submission made by the counsel for the petitioner and the documents, as mentioned above, this Court finds that the petitioner has been able to prove the Will and the petitioner is entitled to get probate in respect of the last Will and Testament dated 2nd August, 2012.

In view of the above, prayer (c) of the application is allowed.

At the time of grant of probate, copy of the Will may be annexed to the probate.

PLA/400/2019 is disposed of.

(KRISHNA RAO, J.)