

OD-1

PLA/165/2016
IN THE HIGH COURT AT CALCUTTA
Testamentary & Intestate Jurisdiction
ORIGINAL SIDE

IN THE GOODS OF:
BIMLA DEVI LAKHOTIA, DECEASED

BEFORE :

The Hon'ble JUSTICE KRISHNA RAO

Date: 21st February, 2023.

Appearance
Mr. Satadeep Bhattacharya, Adv.
Mr. Surajit Biswas, Adv.
Mr. Arijeet Bera, Adv.
... for the petitioner

The Court: Counsel for the petitioner is present. In compliance of the order dated 16 February, 2023, the Registrar Original Side had placed original Will. The Counsel for the petitioner submits that initially Om Prakash Lakhotia had filed the instant application for grant of probate of the last Will and testament of the deceased Bimla Devi Lakhotia. During the pendency of the instant application, the petitioner Om Prakash Lakhotia had expired and after his death the petitioner herein had filed an application for recording the death of

Om Prakash Lakhotia. The petitioner herein had also filed an application has for conversion of the application for grant of probate to grant of letters of administration.

The petitioner submits that the deceased Bimla Devi Lakhotia had executed a Will by appointing Om Prakash Lakhotia her husband as executor of her last will and testament. The Testator Bimla Devi Lakhotia died 8.11.2015 leaving behind her husband two sons and a daughter. The Testatrix had executed her last Will and testament in presence of two attesting witnesses. The legal heirs of the deceased Bimla Devi Lakhotia have filed their affidavit stating that they have no objection for grant of Letters of Administration to the petitioner. Learned Counsel for the petitioner submits that the attesting witness of the Will had also filed an affidavit stating the fact that the testatrix had executed her Will in their presence by appointing her husband as executor of the said Will. The attesting witness had also stated that the testatrix had executed the Will while possessing good health and was in fit state of mind.

Consider submission made by the Counsel for the petitioner, perused original Will, Death Certificate, affidavit of the legal heirs and the affidavit of attesting witness. This Court finds that there is no impediment for grant of Letters of Admission to the petitioner to the estate of the deceased Bimla Devi Lakhotia on compliance of all formalities.

In view of the above, this Court finds that the petitioner is entitled to get Letters of Administration in terms of prayer (b) of the instant application.

Original Will placed by the Registrar be kept in the safe custody.

PLA 165 of 2016 is thus **disposed of**.

(KRISHNA RAO, J.)