

PLA/266/2022
IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY AND INTESTATE JURISDICTION

IN THE GOODS OF:
RAM BILAS AGARWAL, DECEASED

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 23rd February, 2023.

Appearance:
Mr. P. K. Pandey, Adv.
For the petitioner.

The Court :- The subject Will as appears from the documents was signed on 14th December, 2019 and registered on 16th December, 2019. The registration can always take place on the date of signing or on any subsequent date and as such there is no abnormality in the dates contained in the said document.

A sentence "this Will shall take effect after my death" has been inserted in handwriting at the end of the first paragraph in the first page of the Will. The presumption is that the handwriting must have been inserted prior to the documents being registered. Even otherwise the insertion does not make much material difference as the Will automatically comes into effect after the death of the testator.

The testator has put in his thumb impression in the Will. The left thumb impression (LTI) of the testator has been identified by Ashok Kumar Agarwal. Although it is not written below the LTI that the Will was read over

and explained to the testator yet the Will being a registered one, the benefit of LTI is given without going into the stringent technicalities.

In the aforesaid facts and circumstances, the probate is granted in respect of the estate left behind by the deceased in terms of the Will dated 14th December, 2019 on the basis of the said Will with the insertion as also with the date that the same was signed on 14th December, 2019.

The petition for grant of probate stands disposed of, accordingly.

(ARINDAM MUKHERJEE, J.)