

ORDER SHEET

PLA/424/2019

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

IN THE GOODS OF :
BINOY KUMAR GOENKA (DECEASED)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : January 18, 2023.

Appearance :

Mr. Souvik Kundu, 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 14th April, 2018 of the testator Binoy Kumar Goenka.

Counsel for the petitioner submits that the testator Binoy Kumar Goenka died on 18th December, 2018. He further submits that the testator has appointed the petitioner as well as Subhash Chandra Goenka as executors of the Will but in the said Will it is also clarified that any one of the said executors will be entitled to apply for obtaining probate of his last Will and Testament. Counsel for the petitioner submits that the testator died leaving behind two legal heirs and both the legal heirs have filed their affidavits of consent. The attesting witnesses have also filed their affidavits in support of the Will and prayed for grant of probate.

Considered the prayer made by the counsel for the petitioner.

Perused the original Will, death certificate, affidavits of consent and the affidavit of the attesting witnesses. The attesting witnesses in their affidavits have categorically stated that the testator has executed the Will in favour of the petitioner in their presence and at the time of execution of the Will, the testator was possessing good health and was having fit state of mind. The Office has also submitted the report wherein it is mentioned that no caveat is filed for raising any objection for grant of probate in respect of the last Will and Testament.

Considered the submission made by the counsel for the petitioner. Perused the original documents.

This Court finds that the petitioner has been able to prove the last Will and Testament dated 14th April, 2018.

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 made part of the probate.

PLA/424/2019 is disposed of.

(KRISHNA RAO, J.)