

OD-4

ORDER SHEET

PLA/425/2019

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

IN THE GOODS OF :
HIMANSU KUMAR CHATTOPADHYAY, DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: September 20, 2023.

Appearance :

Mr. Ayan Kumar Baral, Adv.

Mr. Archan Dutt, Adv.

Mr. Sabyasachi Bhattacharjee, Adv.

... for the applicant

The Court : Mr. Ayan Kumar Baral, learned advocate is appearing for the petitioner.

The petitioner has filed the present application for grant of probate of the last Will and Testament dated 15th July, 2009 executed by the testator Himansu Kumar Chattopadhyay by appointing the petitioner as the sole executor of his last Will and Testament.

Counsel for the petitioner submits that the testator died on 12th January, 2010 leaving behind his wife, one son and two daughters. During the pendency of the instant application, the wife of the testator also died on 29th November, 2022 and accordingly, her death has been recorded. The two daughters, namely, Sutapa Mitra and Sumana Mukherjee have submitted their consent affidavits raising no objection for grant of probate to the petitioner in terms of the said Will and the said two daughters are also the attesting witnesses of the said Will. One of the

independent witnesses, namely, Amitava Mukherjee has also filed his affidavit supporting the Will and stated that the testator has executed the Will in his presence and in presence of his daughters and another witness. He has also stated in his affidavit that the testator has executed the said Will by appointing the petitioner as the executor of the Will and while executing the said Will, the testator was possessing good health and was in fit state of mind. Counsel for the petitioner prays for grant of probate in terms of the last Will and Testament dated 15th July, 2009.

Considered the submission made by the counsel for the petitioner. Perused the original Will which is in Bengali language and the translated copy thereof annexed in the instant application, death certificate of the testator, affidavits of consent of the daughters and the affidavit of the attesting witness.

This Court finds that the petitioner has proved the Will and there is no circumstances to create any suspicion over the execution of the said Will. Accordingly, this Court finds that the petitioner is entitled to get probate in terms of the last Will and Testament dated 15th July, 2009.

Considering the above, prayer (a) of the probate application is allowed subject to compliance of all formalities. At the time of grant of probate, copy of the Will be made part of the probate.

PLA/425/2019 is disposed of.

(KRISHNA RAO, J.)