

IN THE HIGH COURT AT CALCUTTA  
TESTAMENTARY AND INTESTATE JURISDICTION  
ORIGINAL SIDE  
PLA 414 OF 2021  
IN THE GOODS OF:  
ARATI DASGUPTA, DECEASED

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date : 31<sup>st</sup> March, 2023.

*Appearance:-  
Mr. Gopal Pahari, Adv.  
Ms. P. Kulavi, Adv.  
Ms. Mandeep Kaur, Adv.  
For plaintiff*

THE COURT:- The examination-in-chief of the plaintiff's first witness being one of the attesting witnesses is concluded. No one appears to object the Will or to cross-examine the said witness.

The Will was directed to be proved in solemn form in view of the discrepancy as to the date of execution of the Will as apparent from the Will.

The testatrix as also the attesting witnesses beneath their respective signature at the last page that is 6<sup>th</sup> page of the Will had put in the date as 6<sup>th</sup> April, 2009 while in the only paragraph at the 6<sup>th</sup> page of the Will above the signature of the testatrix, the date was put in as 9<sup>th</sup> day of April year 2009.

There are two other signatures at the 6<sup>th</sup> page. One of which is of the advocate who had drafted the Will and the other is of the person who typed the Will.

The propounder has examined only one witness, Mrs. Susmita Das, one of the attesting witnesses.

The said witness has deposed that the Will was executed at the residence of the testatrix on 6<sup>th</sup> April, 2009 and, as such, the testatrix and the attesting witnesses had put in the date 6<sup>th</sup> April, 2009 beneath their respective signatures. The Will was placed for registration on 9<sup>th</sup> April, 2009 when the attesting witness was present along with the testatrix, the advocate who had drafted and other

persons. The attesting witness has also deposed that the date on the last page that is 6<sup>th</sup> page of the Will above the signature of the testatrix was put in by the advocate, namely, Mr. Ranjit Mukherjee at the time of registration. The attesting witness has also deposed that Mr. Ranjit Mukherjee, the advocate had identified the testatrix by signing at the reverse of the first page of the Will in her presence. The attesting witness has also said that the date affixed below the seal of the District Sub-Registrar-1, Alipore, South 24- Parganas is 9<sup>th</sup> April, 2009.

After considering the evidence, the submissions made on behalf of the propounder and the materials on record, I find that the discrepancy as to the date of execution of the Will has been clarified. The Will was executed on 6<sup>th</sup> April, 2009 and was presented for registration on 9<sup>th</sup> April, 2009 and was ultimately registered on 13<sup>th</sup> April, 2009 as will appear from the date beneath the signature of the District Sub-Registrar-1, Alipore South 24- Parganas at the last page of the Will wherein the Book number, CD volume number and being No. have been printed.

On being satisfied, I hold that the Will has been proved in solemn form. The applicant/executrix is entitled to grant of probate of the last Will and Testament left behind by the deceased which is dated 6<sup>th</sup> April, 2009 and presented for registration on 9<sup>th</sup> April, 2009.

Let there be an order in terms of prayer (a) of the application by granting probate of the Will in question to the applicant/executrix.

The application being PLA 414 of 2021 is, accordingly, disposed of without any order as to costs.

(ARINDAM MUKHERJEE, J.)