

OD-6

ORDER SHEET

PLA/430/2019

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

IN THE GOODS OF:
SMT. SANDHYA SEN @ SANDHYA RANI SEN, DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : July 27, 2023.

Appearance:

Mr. Arijit Roy, Adv.

Ms. Chandralekha Ghosh

... for the petitioner

The Court: Counsel for the petitioner is present.

The petitioner has filed the present application for grant of probate of the last Will and Testament dated 3rd December, 2001 executed by the testatrix Smt. Sandhya Sen @ Sandhya Rani Sen.

Counsel for the petitioner submits that the husband of the testatrix was predeceased to her. The notices were served but none has come forward to object for grant of probate and the Registrar, Insolvency has also filed the report stating that no caveat has been lodged. One of the attesting witnesses, namely, A.K. Ghosh has filed his affidavit stating that the testatrix had executed her last Will and Testament in his presence and in presence of the other attesting witnesses by appointing the petitioner as one of the executors while possessing goods health and fit state of mind. The testatrix died on 12th September, 2014 leaving behind the petitioner

and two daughters as her legal heirs but none has come forward to object for grant of probate. Counsel for the petitioner prays for grant of probate in favour of the petitioner in terms of the last Will and Testament dated 3rd December, 2001.

Considered the prayer made by the counsel for the petitioner. Perused the application, original Will, death certificate of the testatrix, report of the office and the affidavit of the attesting witness.

It is found from the record that that the petitioner has proved the case for grant of probate and there is no suspicious circumstance over the last Will and Testament dated 3rd December, 2001. Considering the above, this Court finds that the petitioner is entitled to get probate of the said Will.

Accordingly, prayer (d) of the application being PLA/430/2019 is allowed subject to compliance of all necessary formalities. At the time of grant of probate, the copy of the Will be made part of the probate.

PLA/430/2019 is thus disposed of.

(KRISHNA RAO, J.)