

OD-27

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

PLA/369/2017

IN THE GOODS OF : DR. BHAIKAB NATH ROY, DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: 9th January, 2023.

Appearance:
Mr. R. Hossain, Adv.
... for the plaintiff.

The Court : Counsel for the petitioner is present and prayed for grant of probate of last Will and testament dated 2nd December, 2016 executed by the testator Dr. Bhairab Nath Roy. Counsel for the petitioner submits that the testator has executed the Will in presence of two attesting witnesses by appointing the petitioners as joint executrix. Counsel for the petitioner submits that the testator died on 1st January, 2017 leaving behind two legal heirs i.e. his wife Smt. Palli Rani Roy and his daughter Twisha Bhattacharya (Roy). Counsel for the petitioner submits that both the legal heirs have filed their affidavit of consent for grant of probate to the petitioners. Counsel for the petitioner submits that the two attesting witnesses have also filed their affidavit. Counsel for the petitioner prayed for grant of probate to the petitioners as per the last Will and testament dated 2nd December, 2016. Heard the learned Counsel for the petitioner. Perused the original Will, death certificate, affidavit-of-consent of the legal heirs of the testator and the affidavit of attesting witnesses. Attesting witnesses have in their affidavits categorically stated that on 2nd December, 2016 the testator had executed the Will by appointing the petitioners as executrix of his last Will and testament dated 2nd December, 2016 and at the time of

execution of the Will the testator was possessing good health and was in a fit state of mind.

Considering the submission made by the Counsel for the petitioner and the documents, this Court finds that the petitioner is able to prove the Will.

Accordingly, petitioners are entitled to get probate in terms of the last Will and testament dated 2nd December, 2016.

Prayer (a) of the probate application is granted.

At the time of grant of probate the copy of the Will may be made as a part of probate.

PLA/369/2017 is disposed of accordingly.

(KRISHNA RAO, J.)