

ORDER SHEET

PLA/429/2018

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

IN THE GOODS OF :
GINNI DEVI TANTIA (DEC.)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : January 2, 2023.

Appearance :

Mr. Aniruddha Mitra, Adv.

Mr. Anirban Ghosh, Adv.

... for the petitioners

The Court: Counsel for the petitioners is present.

The petitioners have filed the instant application for grant of probate in respect of the last Will and Testament dated 31st December, 2010 of the deceased testatrix Ginni Devi Tantia, wife of late Prahlad Rai Tantia.

Counsel for the petitioners submits that the husband of the deceased testatrix was predeceased who died on 17th September, 2010. The deceased died leaving behind two sons being the petitioners herein and one daughter namely, Prem Tibrewalla, wife of Kishan Tibrewalla. One of the daughters of the deceased, namely, Manju Agarwal was also predeceased who died on 22nd September, 1995 leaving behind her husband Arvind Agarwal and three sons, namely, Aditya Agarwal, Akhilesh Agarwal and Abhishek Agarwal. During the pendency of the instant application, the husband of the Manju Agarwal also expired on 29th December, 2019 leaving behind three sons named above. The daughter of the deceased Prem Tibrewalla as well as

the sons of Manju Agwarwal have also filed their affidavits of consent stating the fact that they have no objection for grant of probate to the petitioners in terms of the last Will dated 31st December, 2010. One of the attesting witnesses, namely, Ashok Kumar Basu @ Ashok Bose has also filed the affidavit stating the fact that the testatrix had executed the Will in his presence and in presence of the other attesting witnesses while possessing good health and fit state of mind. Counsel for the petitioners prays for grant of probate in terms of the Will dated 31st December, 2010.

Considered the prayer made by the counsel for the petitioners. Perused the application, death certificates of the testatrix and her husband, original Will, affidavits of consent filed by the legal heirs as well as the affidavit of attesting witness. It is found that the attesting witness in his affidavit has categorically stated that the testatrix had executed the Will in favour of the petitioners on 31st December, 2010 in his presence as well as in the presence of other attesting witnesses. The affidavit further reveals that at the time of execution of the Will and Testament dated 31st December, 2010, the testatrix was having good health and was in fit state of mind.

Considering the submission made by the counsel for the petitioners and the documents and the affidavits, prayer (d) of the application is allowed.

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

PLA/429/2018 is disposed of.

(KRISHNA RAO, J.)