

OD-25

ORDER SHEET

PLA/376/2017

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

IN THE GOODS OF :
BIDYUT PROVA DASGUPTA (DEC.)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : 22nd August, 2023

Appearance:

Ms. Arunima Lala, Adv.

Mr. Diptomoy Talukder, Adv.

...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 14th July, 1997 executed by the testatrix, Bidyut Prova Dasgupta. The testatrix died on 6th August, 1998 leaving behind four legal heirs as mentioned in paragraph 2 of the present application. One of the legal heirs, namely, Jayashree Dasgupta had initially filed her caveat but subsequently she has not appeared and as per the prayer made by the petitioner by an order dated 3rd May, 2023 the said Jayashree Dasgupta has been discharged from caveat and the case was fixed for non-contentious cause. The other legal heirs have not raised any objection in spite of service of citation. One of the attesting witnesses of the Will, namely, Uma Dasgupta has filed his

affidavit in support of the Will. The husband of the testatrix was pre-deceased to the testatrix.

Considered the submission made by the counsel for the petitioner. Perused the original Will, the death certificate, affidavit of attesting witness. The attesting witness in the affidavit has categorically stated that the testatrix has executed her last Will and Testament on 14th July, 1997 in his presence and in presence of other attesting witnesses while possessing good health and fit state of mind.

Considered the submission made by the counsel for the petitioner and the document as mentioned above. This Court finds that the petitioner has proved the Will and accordingly there is no suspicion over the execution of the Will and thus the petitioner is entitled to get the probate.

In view of the above, prayer (c) of the application is allowed subject to compliance with all formalities.

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

PLA/376/2017 is thus disposed of.

(KRISHNA RAO, J.)