

PLA/439/2022
IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY AND INTESTATE JURISDICTION

IN THE GOODS OF:
CHHAGAN LALL PARSON, DECEASED

BEFORE:
The Hon'ble JUSTICE ARINDAM MUKHERJEE
Date: 24th August, 2023.

Appearance:
Mr. Jai Kumar Surana, Adv.
Mr. Joydeep Guha, Adv.
Mr. Dhruv Surana, Adv.

The Court :- Supplementary affidavit filed in Court today is taken on record.

After going through the supplementary affidavit, it appears that the confusion which arose with regard to the address of the deceased i.e. whether 16C, Ashutosh Mukherjee Road, Kolkata 700020 or 16D Ashutosh Mukherjee Road, Kolkata has been clarified. The testator as appears from the said supplementary affidavit initially stayed at premises No. 16C, Ashutosh Mukherjee Road, Kolkata 700020 along with his brothers' family. Subsequently, the family of the testator's brother shifted from 16C, Ashutosh Mukherjee Road, Kolkata 700020 to 16D, Ashutosh Mukherjee Road, Kolkata 700020.

In that view of the matter, in his passport, the address recorded was 16C, Ashutosh Mukherjee Road, which is also reflected in his death certificate issued by Embassy of India, Bangkok where the testator breathed his last.

In the Will the testator has, however, written that he was residing at 16D Ashutosh Mukherjee Road, Ground Floor, Kolkata 700 020 at the time when the Will was made i.e. 14th September, 2005.

Considering the explanation given, the doubt expressed by the Department by noticing the different address in the passport and the death certificate on the one hand and in the Will on the other hand is clarified. Considering the fact that the Will is not opposed by any one who has the right to oppose and that the same having been proved in common form by the affidavit of the attesting witness, probate is granted to the applicant in terms of prayer [a] of the petition.

The application for grant being PLA No. 439 of 2022 is, accordingly, disposed of.

Since the sole beneficiary being the sister-in-law of the testator, as the testator was a bachelor during his lifetime is an octogenarian lady and suffering from various ailments, let probate be issued at the earliest.

(ARINDAM MUKHERJEE, J.)