

IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY AND INTESTATE JURISDICTION

PLA 532 OF 2022
IN THE GOODS OF:
MANIK GOSWAMI @ SUNIRMAL GOSWAMI (DEC.)

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date : 20th July, 2023.

Appearance:
Mr. Debraj Dey, Adv.
Mr. Anirban Guin, Adv.
For applicant

The Court : The testator died on 16th October, 2008 after having left behind his last Will and Testament dated 30th April, 2008. The probate has been applied for on 7th November, 2022. The delay in applying for the grant is over 14 years. The explanation given is that due to financial constraint the applicant could not make this application within a reasonable time from the death of the testator. Although, the explanation is in satisfactory but taking into account that there is no objection to the grant and the applicant is the only surviving heir in intestacy under the provisions of Section 8 read with Schedule I, Class II Entry IV of the Hindu Succession Act, 1956, the probate is granted.

Considering the view of the department upon complete scrutiny, the application for grant of probate is allowed by granting order in terms of prayer (a) of the petition.

The petition for grant of probate stands disposed of, accordingly.

(ARINDAM MUKHERJEE, J.)