

IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY AND INTESTATE JURISDICTION
ORIGINAL SIDE

PLA 596 OF 2022
IN THE GOODS OF:
DILEEP KRISHNA ROHATGI, DECEASED

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date : 14th July, 2023.

Appearance:
Mr. Sarosij Dasgupta, Adv.
Mr. Rahul Das, Adv.
Mr. Kaushik Mandal, Adv.
For petitioner

The Court : This is an application for grant of probate of the last Will and Testament said to have been left behind by the deceased on 6th July, 1995. The widow of the deceased is the applicant for the grant. There are two attesting witnesses in the said Will dated 6th July, 1995. One of the witnesses is Mumtazuddin, an advocate residing at 22/3A Bright Street, Kolkata – 700017 who is incidentally the draftsman of the Will. The other witness is Abdur Rasid, a resident of 88C/1, Topsia Road, 3rd Floor, Kolkata – 700039.

There are three heirs in intestacy left behind by the deceased/testator respectively being his widow and two sons. The widow is the applicant and the two sons have consented to the grant.

The probate was applied on 15th December, 2022. Prior to making the application the two attesting witnesses died. The Will was, therefore, sought to be proved by an affidavit of Mr. Sumit Krishna Rohatgi, the elder son of the testator. However, as both the attesting witnesses were dead the Will has been directed to be proved in solemn form.

Mr. Sumit Krishna Rohatgi has deposed as witness no.1 in this proceeding on behalf of the propounder. He has deposed that he had seen his father

executing the Will and the attesting witnesses, to have signed in the presence of his father and in the presence of each other when the said Mr. Sumit Krishna Rohatgi was also present at the place of execution. The said Mr. Sumit Krishna Rohatgi has also deposed that after execution of the Will he along with his father, since deceased, and the advocate went to a notary in the precincts of Sealdah Court to have the Will notarised. The son of the first attesting witness, namely, Mumtazuddin has also deposed in this proceedings as the second witness. He has identified and proved the signature of his father appearing at the last page of the Will dated 6th July, 1995.

After considering the evidence of the testator's elder son, namely, Mr. Sumit Krishna Rohatgi and the son of one of the attesting witnesses, I find that the Will has been proved in solemn form.

Let probate of the last Will and Testament dated 6th July, 1995 left behind by Dileep Krishna Rohatgi be granted to the applicant, namely, Veena Rohatgi.

The application being PLA 596 of 2022 is, accordingly, disposed of.

(ARINDAM MUKHERJEE, J.)

sb/