

ORDER SHEET

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

PLA/31/2023

IN THE GOODS OF:
ELIZABETH WILLIAMS (DEC.)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: December 17, 2024.

Appearance:

Mr. Aditya Mandal, Adv.

Ms. Shipra Naskar, Adv.

...for the petitioner

The Court: Mr. Aditya Mandal, learned counsel, is appearing for the petitioner.

Petitioner has filed the present application for grant of probate of last Will and Testament dated 12th November, 2022 executed by the testatrix, Elizabeth Williams.

Counsel for the petitioner submits that the testatrix has appointed the petitioner as executrix of her last Will and Testament. Counsel for the petitioner submits that the testatrix died on 30th November, 2022 leaving behind only one son viz. Shane Williams.

Counsel for the petitioner submits that the husband of the testatrix was pre deceased to the testatrix who died sometime in 2016. Counsel for the petitioner submits that the testatrix has executed her last Will and Testament in presence of two attesting witnesses and both attesting witnesses have filed their affidavits.

Counsel for the petitioner submits as the son of the testatrix has not come forward either to file affidavit of consent or affidavit in support of

caveat, accordingly citation was issued but in spite of the citation, the legal heir of testatrix has not filed any caveat.

Counsel for the petitioner submits that the petitioner has proved the Will and the petitioner is entitled to grant of probate.

Heard the learned counsel for the petitioner, perused original Will, Death Certificate, No Caveat Certificate issued by the office wherein it is categorically mentioned that special citation was issued but no caveat filed for grant of probate.

In the affidavit, the attesting witnesses have stated that the testatrix has executed her last Will and Testament in their presence while possessing good health and fit state of mind by appointing the petitioner as the sole executrix of her last Will and Testament.

Considering the submission made by the counsel for the petitioner and after perusing the documents as mentioned above, this Court finds that the petitioner has proved the Will and is entitled to grant of probate.

Accordingly, the department is directed to issue probate after completion of all formalities. At the time of grant of probate, the copy of the Will be made part of the probate.

PLA/31/2023 is disposed of.

(KRISHNA RAO, J.)