

ORDER SHEET

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

PLA/36/2022

IN THE GOODS OF:
SUKLA ROY (DEC.)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : December 19, 2024.

Appearance:

Mr. Soumyajit Mishra, Adv.
... for the petitioner

The Court: Mr. Soumyajit Mishra, learned Counsel, is appearing for the petitioner.

The petitioner has filed the present application for grant of probate of the last Will and Testament dated 4th July, 2018 executed by the testatrix Sukla Roy.

Counsel for the petitioner submits that the husband of the testatrix was pre-deceased. The testatrix died leaving behind her two sisters, namely, Sudipta Sen and Sharmila Sen and both sisters have filed their affidavit of consent stating that they have no objection for grant of probate to the petitioner. The testatrix has executed her last Will by appointing the petitioner as well as Kriti Sen Sharma as Joint Executors of her last Will and Testament and out of which, one of the Executor, namely, Prantic Sen (petitioner herein) has filed the present application and the other executor has filed affidavit of consent stating that he has no objection for grant of probate. Out of two attesting witnesses, one of the attesting witness, namely, Biswa Bikash Sen, has filed the affidavit stating that the testatrix has executed her last Will in his presence and in presence of the other attesting witness while possessing good health and fit state of mind by appointing the petitioner and

Kriti Sen Sharma as Joint Executors. The testatrix died on 18th March 2020. Counsel for the petitioner submits that the petitioner has proved the Will and is entitled to grant of probate.

Heard the learned counsel for the petitioner. Perused the original Will, death Certificate, Affidavit of Consent of both the sisters and another executor as well as attesting witness and no caveat certificate issued by the office.

This Court finds that both the sisters of the testatrix submitted that they have no objection for grant of probate to the petitioner. The another executor has also submitted his affidavit stating that they has no objection for grant of probate to the petitioner. The attesting witnesses in his affidavit has categorically stated that testatrix has executed her last Will and Testament in his presence as well as in presence of the other attesting witness by appointing the petitioner and the another person as a Joint Executors while possessing good health and fit state of mind.

Considering the above, this Court finds that the petitioner has proved Will and is entitle to get the probate of last Will and Testament dated 4th July, 2018.

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

PLA/36/2022 is disposed of.

(KRISHNA RAO, J.)