

ORDER SHEET

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

PLA/109/2019

IN THE GOODS OF :
SIPRA NANDY, DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : February 2, 2024.

Appearance :

Mr. Sarosij Dasgupta, Adv.

Mr. Biswaroop Mukherjee, Adv.

Ms. Saheli Bose, Adv.

... for the petitioner

The Court: Mr. Sarosij Dasgupta, learned counsel, is appearing for the petitioner.

The Registrar, Insolvency has filed a report dated 29th January, 2024 wherein it is mentioned that no caveat has been lodged.

The petitioner has filed the present application for grant of probate of the last Will and Testament dated 16th January, 2012 of the testatrix Sipra Nandy who has appointed the petitioner as executor of her last Will and Testament. The testatrix died on 26th January, 2017 leaving behind her husband Prodyot Kumar Nandy and two daughters, namely, Priyanka Guha and Rituparna Das. After the death of testatrix, the husband of the testatrix also died on 4th February, 2019 leaving behind two daughters. Out of the two daughters, one daughter, namely, Rituparna Das is also the one of the attesting witnesses of the last Will and Testament of the testatrix. The other daughter Priyanka Guha in spite of service of Special Citation has neither appeared for giving consent nor filed caveat or affidavit in support of caveat. Accordingly, the application is taken up for hearing for grant of probate.

Considered the original Will, Death Certificate of the testatrix, affidavit of consent of Rituparna Das, report of the Registrar, Insolvency and affidavit of the attesting witnesses, namely, Rituparna Das and Subhas Chandra Das.

Ms. Rituparna Das in her affidavit has stated that she has no objection for grant of probate of the Will to the petitioner. The said daughter is also one of the attesting witnesses along with her husband and both have filed affidavit stating that the deceased executed the last Will and Testament on 16th January, 2012 in their presence while possessing good health and fit state of mind by appointing the petitioner as executor of her last Will and Testament.

Considering the submission of the petitioner and the documents as mentioned above, this Court finds that the petitioner has proved the Will and there is no circumstances to create any suspicion over the execution of the last Will and Testament dated 16th January, 2012. Accordingly, the petitioner is entitled to get probate.

The office is directed to grant probate to the petitioner in terms of prayer (c) of the application after compliance of all formalities and at the time of grant of probate, a copy of the Will be made part of the probate.

PLA/109/2019 is disposed of.

(KRISHNA RAO, J.)