

PLA/53/2022
IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY & INTESTATE JURISDICTION

IN THE GOODS OF :
RAMESWAR CHATTERJEE, DECEASED

BEFORE:
The Hon'ble JUSTICE BIVAS PATTANAYAK
Date: 14th August, 2024.

Mr. Sayan Ganguly, Mr. Tirthankar Das,
Advocates for the petitioner.

The Court : This matter is placed at the instance of Registrar-in-Insolvency.

The petitioner in the present application has prayed for treating photocopy of the last Will and Testament dated 7th March, 2007 as the original since the original is untraceable and for grant of probate of the said photocopy of the last Will and Testament.

By order dated 2nd March, 2023 the photocopy of the Will was directed to be proved in solemn form. In compliance thereof the petitioner has examined one attesting witness Sri Sakti Kumar Mukherjee alias Sakti Mukherjee who identified the signatures of the testator on the aforesaid Will as well as his signature and the signature of another attesting witness. The signatures of the testator on the aforesaid Will have been marked as Exhibit 'B/1' collectively and photocopy of the Will has been marked as Exhibit 'B'. The signature of the first attesting witness has been marked as Exhibit 'B/2'

and the signature of the second attesting witness has been marked as Exhibit 'B/3'. The executor Nirmalya Chatterjee was also examined.

It has been contended in the application that the original Will is not traceable and a general diary to that effect was also lodged at local police station. Such fact has also been deposed by the executor Nirmalya Chatterjee. Bearing in mind the aforesaid evidence, there is no impediment in allowing the prayer of the petitioner.

Accordingly, let there be an order in terms of prayers (a) and (b) of the petition.

The petitioner is directed to furnish an affidavit of undertaking to produce the original of the Will as and when the same is found or traced out.

The petition stands disposed of.

(BIVAS PATTANAYAK, J.)