

OD-55

ORDER SHEET

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

PLA/91/2024

IN THE GOODS OF:  
RENU BAMALWA, DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : December 19, 2024.

Appearance

Mr. Joydeep Roy, Adv.  
Mr. Paritosh Sinha, Adv.  
Mr. Sourjya Samanta, Adv.  
... for the petitioner

The Court : Mr. Joydeep Roy, learned Advocate, is appearing for the petitioner.

The petitioner has filed the present application for grant of probate of the last Will and Testament dated 16<sup>th</sup> April, 2020 executed by the testatrix Renu Bamalwa.

Counsel for the petitioner submits that the testatrix has executed her last Will and Testament leaving behind her husband Bachhraj Bamalwa as the sole executor of her last Will and Testament. He submits that the testatrix died on 13<sup>th</sup> September, 2020 leaving behind the petitioner as her husband and one daughter, namely, Meenakshi Bamalwa and her son Rahul Bamalwa. Counsel for the petitioner submits that the testatrix has executed her last Will and Testament in presence of the two independent witnesses and both the witnesses have filed their affidavits in support of execution of the Will. Both the legal heirs have filed their affidavits stating

that they have no objection for grant of probate of the last Will and Testament to the petitioner. Counsel for the petitioner submits that the petitioner has proved the Will and is entitled to get the probate.

Heard learned counsel for the petitioner. Perused the original Will, dated 16<sup>th</sup> April, 2020, death certificate of the testatrix dated 13<sup>th</sup> September, 2020, affidavit of consent of the daughter and son and the affidavits of the attesting witnesses.

This Court finds that both the legal heirs in their affidavits have categorically stated that they have no objection for grant of probate to the petitioner. The attesting witnesses have also filed their affidavits wherein they have categorically stated that the testatrix had executed her last Will and Testament by appointing the petitioner as the executor while possessing good health and fit state of mind. The petitioner has proved the Will and is entitled to get the probate.

Accordingly, the department is directed to grant probate of the last Will and Testament dated 16<sup>th</sup> April, 2020 to the petitioner after completion of all formalities. At the time of grant of probate, the copy of the Will be made part of the probate.

PLA/91/2024 is disposed of.

(KRISHNA RAO, J.)