

OD-9

ORDER SHEET

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

PLA/116/2024

IN THE GOODS OF :
RAGHU NANDAN MODY, DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : January 22, 2025.

Appearance:

Mr. Debanjan Mandal, Adv.
Mr. Sanjiv Kr. Trivedi, Adv.
Ms. Iram Hassan, Adv.
Mr. Sanket Sarawgi, Adv.
Mr. Aman Agarwal, Adv.
Ms. Yukti Agarwal, Adv.
... for the petitioner

The Court: The matter is listed today as “To Be Mentioned” on the prayer made by the counsel for the petitioner.

Counsel for the petitioner submits that by an order dated 17th December, 2024 this Court has granted probate to the petitioner. He submits that after going through the order, the petitioner finds that in page no.1 line no.10 it is recorded that “other 3 legal heirs have neither filed affidavit of consent nor have filed their affidavit in support of caveat” but learned counsel for the petitioner fails to draw the attention of this Court that one of the legal heirs of the testator, namely, Shashi Manoj Mody (also known as Shashi Mody) who is the daughter in law of the testator has also filed her affidavit of consent stating that she has no objection for grant of probate dated 14th August, 2019. Accordingly, the counsel for the petitioner

prays for correction in the order dated 17th December, 2024 by incorporating the sentence “the daughter in law, namely, Shashi Manoj Mody (also known as Shashi Mody) has also filed her affidavit of consent for grant of probate”.

Heard learned counsel for the petitioner. Perused the record.

This Court finds that in the record there is an affidavit dated 25th October, 2024, affirmed by Shashi Manoj Mody (also known as Shashi Mody) available wherein in paragraph 6 she has stated that she has no objection for grant of probate of the last Will dated 14th August, 2019 in favour of the petitioner.

In view of the above, in page no.1 line no.9 after the words “wife of the testator” it may be recorded “and the daughter in law of the testator have filed their affidavit of consent” and in line no.10 instead of “3 legal heirs” it should be recorded as “2 legal heirs” and in page no.2 paragraph 2 line no.3, after the words “wife of the testator” the words “and the daughter in law of the testator” are to be added.

Let these corrections be incorporated in the order dated 17th December, 2024.

(KRISHNA RAO, J.)