

OD-13

ORDER SHEET

PLA/145/2019

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

IN THE GOODS OF :
RAMENDRA NATH BOSE (DEC.)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : January 2, 2024.

Appearance:

Ms. Sananda Ganguli, Adv.
Ms. Soumi Guha Thakurta, Adv.
...for the petitioner

The Court: Ms. Sananda Ganguli, learned advocate, is appearing for the petitioner.

The petitioner has filed the present application being PLA/145/2019 for grant of probate of the last Will and Testament dated 30th October, 1995 executed by the testator Ramendra Nath Bose @ Ramendra Nath Basu.

Counsel for the petitioner submits that the testator was unmarried and there was no legal heirs. The testator died on 30th January, 2005. The petitioner has issued special citation by way of publication. In spite of publication, none has filed caveat or affidavit in support of caveat to object for grant of probate of the Will to the petitioner.

One of the attesting witnesses, namely, Debabrata Basu, has also filed affidavit stating that the testator has executed his last Will and Testament dated 30th October, 1995 which was subsequently registered on 31st October, 1995 in his presence and at the time of execution of the Will the testator was fit state of mind and was able-bodied.

Considered the submission made by the counsel for the petitioner.

Perused the death certificate, original Will along with the translated copy of the Will, the citation published in the newspaper and the affidavit filed by the attesting witnesses.

This Court finds that the petitioner is able to prove the Will and there is no circumstances to create any suspicion over the execution of the Will. Accordingly, prayer (c) of the probate application is allowed.

It is found from the record that the petitioner has not paid the ad valorem duty. The petitioner is directed to pay the ad valorem duty within a week from date.

After payment of the ad valorem duty, probate may be granted on completion of all formalities and at the time of grant of probate, a copy of the Will be made as part of the probate.

PLA/145/2019 is thus disposed of.

(KRISHNA RAO, J.)