

PLA/82/2023
IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY AND INTESTATE JURISDICTION

IN THE GOODS OF:
MARY KARLOSE GOMES, DECEASED

BEFORE:
The Hon'ble JUSTICE ARINDAM MUKHERJEE
Date: 8th February, 2024.

Appearance:
Mr. Udaynarayan Betal, Adv.
Ms. Ankkita Upadhyay, Adv.
For the petitioner.

The Court :- The petitioner intends to withdraw this application and has instructed his advocate Mr. Udayanarayan Betal in that regard.

It is submitted by Mr. Betal, learned advocate appearing for the petitioner, that the Will in question, the probate whereof is sought for in this application does not conform to the requirements of Section 63 of the Indian Succession Act, 1925 as there is only one attesting witness when the law requires that there shall be two attesting witnesses.

The petition (PLA/82/2023) for grant of probate is dismissed as withdrawn.

The Department is directed to return back the original documents annexed to the application for grant with the nomenclature "Will" after completing the requisite formalities.

The advalorem stamp duty paid for filing this application be also returned to the petitioner.

(ARINDAM MUKHERJEE, J.)

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