

PLA/86/2023
IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY AND INTESTATE JURISDICTION

IN THE GOODS OF:
SRI SANDIP KUMAR PAL, DECEASED

BEFORE:
The Hon'ble JUSTICE ARINDAM MUKHERJEE
Date: 25th January, 2024.

Appearance:
Mr. Dipayan Kundu, Adv.
For the petitioner.

The Court :- This is an application for grant of probate of the last Will and Testament dated 19th February, 2016 left behind by the abovenamed deceased.

The deceased was a bachelor at the time of his death on 13th February, 2020. As appears from the genealogical table annexed to this application, the deceased had four brothers, namely Gokul Chandra Paul, Shyam Chand Pau, Sonatan Paul and Narayan Chandra Paul. The deceased had one sister namely Usha Chaudhuri. Gokul Chandra Paul and Sonatan Paul predeceased the testator while Shyam Chand Paul and Narayan Chandra Paul were alive.

In that view of the matter, under the provisions of Section 8 read with the schedule of the Hindu Succession Act, 1956 under Class-II heirs in Sl. No.II, the two brothers would inherit the property of the deceased. Shyam Chand Paul was a bachelor at the time of his death. On his death his estate which comprised of the estate inherited from the testator would devolve unto

his brothers and sisters. Only Narayan Chandra Paul is alive. So, the estate of Shyam Chand Paul to the extent inherited from Sandip Kumar Paul in absence of any testamentary document will go to Narayan Chandra Paul as Class-II heir. All the nephew and niece of the testator, Narayan Chandra Paul as also his wife have consented to the grant.

Considering the view of the department upon complete scrutiny, the application for grant of probate is allowed as the Will has been proved in common form by the affidavit of the attesting witness by granting order in terms of prayer (a) of the petition.

The petition for grant of probate stands disposed of, accordingly.

(ARINDAM MUKHERJEE, J.)