

OD - 12

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

PLA/173/2024
IN THE GOODS OF :
SRI ANIMESH BANERJEE (DEC.)

BEFORE :
THE HON'BLE JUSTICE KRISHNA RAO
Date : 13th December, 2024

Appearance :
Mr. Uday Narayan Betal, Adv.
...for the petitioner.

The Court : Mr. Uday Narayan Betal, counsel appearing for the petitioner. The petitioner has filed the present application for grant of letters of administration of the last Will and Testament dated 21st June, 1993. Counsel for the petitioner submits that though the testator Animesh Banerjee has executed his last Will and Testament dated 21st June, 1993 but in the said Will he has not appointed any executor in the said Will. Accordingly, the petitioner being the beneficiary has filed the present application for grant of Letters of Administration. The petitioner says that the testator died on 16th December, 2019 leaving behind two daughters, namely, Surita Banerjee and Rinka Banerjee. He submits that the wife of the testator was pre-deceased to him, died on 24th April, 2019. He submits that both the daughters of the testator have filed their affidavit of consent stating that they have no objection if the Letters of Administration is granted to the petitioner. Counsel for the petitioner submits that in the Will there are three attesting witnesses out of which one of them is one of the daughter of the testator has filed an affidavit as an attesting witness. Counsel for the petitioner submits that the

petitioner has proved the Will and the petitioner is entitled to grant of letters of administration.

Heard counsel for the petitioner, perused the original last Will and Testament dated 21st June, 1993, death certificate of the testator, death certificate of the wife of the testator, affidavit of consent of both the daughters and the affidavit of attesting witness. It is found that both the daughters have categorically mentioned in the affidavit that they have no objection to the grant of Letters of Administration. One of the attesting witnesses being the daughter of the testator has also categorically mentioned in a separate affidavit stating that the testator has executed his last Will and Testament in her presence and in presence of the other two attesting witness while possessing good health and in fit state of mind. The petitioner has proved the Will and is entitled to get the Letters of Administration.

In view of the above, the Department is directed to issue the letters of administration of the last Will and Testament dated 21st June, 1993 subject to furnishing two sureties of Rs.5 lacs (Rs.2.50 lacs each), upon completion of all formalities. At the time of grant of letters of administration, the copy of the Will has made a part of the letters of administration.

PLA/173/2024 is disposed of.

As per the prayer made by the counsel for the petitioner and as per Chapter XVI Rule 23A(xii), the order for grant of letters of administration need not be drawn up.

(KRISHNA RAO, J.)

