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ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY AND INTESTATE JURISDICTION
ORIGINAL SIDE

PLA/179/2024

IN THE GOODS OF:
SIDDHARTHA SEN (DEC.)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: December 4, 2024.

Appearance:

Mr. Soumyajit Mandal, Adv.

...for the executrix

The Court: Mr. Soumyajit Mandal, learned counsel, is appearing for the executrix.

The petitioner has filed the present application for grant of probate of the last Will and Testament dated 1st September, 2013 executed by the testator Mr. Siddhartha Sen by appointing his wife Mrs. Anuradha Sen as executrix who is the petitioner before this Court.

Counsel for the petitioner submits that the testator died on 11th October, 2017 leaving behind his wife, one daughter and one son. The wife is the executrix of the last Will and Testament. The daughter and son have filed their affidavit of consent stating that they have no objection with regard to grant of probate to the petitioner.

The counsel for the petitioner submits that one attesting witness, namely, Subrata Roy Chowdhury has also filed an affidavit stating that the testator has executed his last Will and Testament in his presence and in presence of the other attesting witness by appointing the petitioner as sole executrix while possessing good health and fit state of mind. Counsel for the petitioner submits that the petitioner has proved the will and prayed for grant of probate.

Heard the learned counsel for the petitioner, perused the original Will, death certificate of the testator, affidavit of consent of the daughter Munmun Basu and the son Indranil Sen as well the affidavit filed by one attesting witness, namely, Subrata Roy Chowdhury.

This Court finds that on 1st September, 2013 the testator had executed his last Will and Testament in presence of two attesting witnesses by appointing the petitioner as sole executrix of the Will. As per the affidavit of the attesting witness it is proved that the testator had executed the Will by appointing the petitioner as executrix of his last Will and Testament while possessing good health and fit state of mind. The other two heirs have also filed their affidavit of consent stating that they have no objection for grant of probate.

Considering the above, this Court finds that the petitioner has proved the Will and there is no suspicious over the execution of the Will by the testator Siddhartha Sen.

Accordingly the petitioner is entitled to get probate. The department is directed to grant probate to the petitioner after completion of

all formalities. At the time of grant of probate, the copy of the Will be made part of the probate.

PLA/179/2024 is disposed of.

(KRISHNA RAO, J.)

DB