

OD-18

ORDER SHEET

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

PLA/195/2024

IN THE GOODS OF:
ANNAPURNA ROY, DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : November 21, 2024.

Appearance

Mr. Amit Kumar Nag, Adv.

Ms. Pritha Bhaumik, Adv.

...for the Petitioner

The Court : Ms. Pritha Bhaumik, learned Advocate, is appearing for the petitioner.

The petitioner has filed the present application for grant of probate of the last Will and Testament dated 17th July, 2002 of the deceased Annapurna Roy, wife of late Satya Narayan Roy.

Counsel for the petitioner submits that the husband of the testatrix was predeceased the testatrix and died on 31st October, 2012.

Counsel for the petitioner submits that during her lifetime, the testatrix, Annapurna Roy, has executed her last Will and Testament by appointing the petitioner as her sole executor of her last Will. The testatrix died on 13th November, 2014 leaving behind two sons and one daughter, out of which, one of the sons is the petitioner, who is the executor of the last Will and Testament dated 17th July, 2002. The other two legal heirs i.e. the son Abhijit Roy and daughter Rita Samanta have filed their respective

affidavits of consent stating that they have no objection for grant of probate of the last Will and Testament executed by their mother.

It is also submitted that in the Will there are altogether four attesting witnesses, out of which one attesting witness, namely, Suchismita Guha, has executed her affidavit before this Court stating that the testatrix has executed her last Will and Testament in her presence by appointing the petitioner as executor of his last Will and Testament while possessing good health and fit state of mind.

Counsel for the petitioner submits that the petitioner has proved the Will and is entitled to get probate of the Will.

Heard the learned counsel for the petitioner.

Perused the original Will, death certificates of the deceased and her husband, affidavits of legal heirs and affidavit of the attesting witness.

This Court finds that the other two legal heirs of the testatrix have categorically stated in their affidavits that their mother has executed her Will by appointing the petitioner as sole executor of the said Will.

The attesting witness has also stated in her affidavit that the testatrix has executed her last Will and Testament by appointing the petitioner as executor while possessing good health and fit state of mind.

Considering the above, this Court finds that the petitioner has proved the Will and is entitled to get the probate of the Will.

In view of the above, the department is directed to issue probate to the petitioner of the last Will and Testament dated 17th July, 2002 after compliance of all formalities.

At the time of grant of probate, a copy of the Will may be made part of the probate.

PLA/195/2024 is disposed of.

(KRISHNA RAO, J.)