

OD-12

ORDER SHEET

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

PLA/199/2024

IN THE GOODS OF-
RENUKA DUTT @ RENUKA LADIA @ RENUKA DUTT LADIA

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: November 21, 2024

Appearance :

Mr. P. Bandyopadhyay, Adv.

Mr. Surajit Biswas, Adv.

Ms. Aditi Roy, Adv.

Mr. Arijeet Bera, Adv.

...for the petitioner.

The Court: Mr. Pourush Bandyopadhyay, learned Counsel, is appearing for the petitioner.

The petitioner has filed the present application for grant of probate of the last Will and Testament of the testatrix Renuka Dutt alias Renuka (Dutt) Ladia, wife of late Shankar Lal Ladia.

Learned counsel for the petitioner submits that the husband of the testatrix predeceased her and died on 13th September, 1997. He submits that in the wedlock between the testatrix and her husband there was no issue. The testatrix died leaving behind two sisters as her legal heirs. He submits that during her lifetime, the testatrix has executed her last Will and Testament dated 5th February, 2023 by appointing the petitioner as executor of her last Will and Testament. He submits that two sisters of the deceased

testatrix have also given affidavit of consent stating that they have no objection for grant of probate of the Will dated 5th September, 2023 to the petitioner. The petitioner submits that one of the attesting witnesses namely, Sadhna Rai has also affirmed an affidavit stating that the testatrix has executed her last Will and Testament by appointing the petitioner as sole executor for her last Will in her presence and in presence of the other witnesses while possessing good health and fit state of mind. He prays for grant of probate.

Heard the learned counsel for the petitioner. Perused the application, the original Will, death certificate of the testatrix, affidavit of consent and affidavit of attesting witness.

This Court finds that on 5th September, 2023 the testatrix had executed her last Will and Testament in presence of the three attesting witnesses by appointing the petitioner as her sole executor. The testatrix died on 10th August, 2023 leaving behind her two sisters. The two sisters have also filed their affidavit of consent stating that they have no objection for grant of probate. Out of the three witnesses, one of the attesting witnesses, Sadhna Rai has filed her affidavit stating that the testatrix has executed the Will in presence of other attesting witnesses by appointing the petitioner as executor of her last Will and Testament while possessing good health and fit state of mind.

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

Accordingly, the Department is directed to grant probate to the petitioner subject to compliance of all the formalities.

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

PLA/199/2024 is disposed of.

(KRISHNA RAO, J.)

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