

ORDER SHEET

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

PLA/121/2023

IN THE GOODS OF:
SULEKHA DAS MALLIK (DEC.)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : December 23, 2024.

Appearance:

Mr. Partha Sarathi Das, Adv.
... for the petitioner

The Court: Mr. Partha Sarathi Das, learned Counsel, is appearing for the petitioner.

The petitioner has filed the present application for grant of probate of the last Will and Testament dated 25th May, 2021 executed by the testatrix Sulekha Das Mallik by appointing the petitioner as the sole executor of her last Will and Testament.

Counsel for the petitioner submits that the husband of the Testatrix was pre-deceased, the testatrix died on 8th December, 2022 and the husband of the testatrix died on 16th January, 2021.

Counsel for the petitioner submits that as there are no legal heir/heirs of the testatrix, accordingly citations were issued and in spite of the issuance of citation, none has come forward to raise objection or to lodge caveat or file affidavit in support of caveat.

Counsel for the petitioner submits that after the issuance of citation, the department has submitted No Caveat Certificate certifying that no caveat has been entered for grant of probate. The petitioner submits that the testatrix has executed her last Will and Testament in presence two attesting witnesses while possessing good health and fit state of mind and

both the attesting witnesses have filed their affidavit stating that the testatrix had executed her last Will by appointing the petitioner as the sole executor while possessing good health and fit state of mind.

Heard the learned counsel for the petitioner, perused the original Will, Death Certificate of the testatrix, death certificate of the husband of testatrix, affidavit of the attesting witnesses and the No Caveat Certificate provided by the department.

This Court finds that the petitioner has proved the Will and is entitled to get the probate.

Accordingly, the department is directed to issue probate of the last Will and Testament dated 25th May, 2021 of the Testatrix Sulekha Das Mallik by completing all formalities. At the time of grant of probate, the copy of the Will be made part of the probate.

PLA/121/2023 is disposed of.

(KRISHNA RAO, J.)

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