

ORDER SHEET

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

PLA/201/2024

IN THE GOODS OF:
KISHAN KUMAR KEJRIWAL DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: December 6, 2024.

Appearance:

Mr. Tarique Quasimuddin, Adv.

Mr. Abbas Ibrahim Khan, Adv.

Ms. Meena Shabnam, Adv.

...for the petitioner

The Court: Mr. Tarique Quasimuddin, 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 29th December, 2015 executed by the testator Mr. Kishan Kumar Kejriwal.

The testator has executed the Will by appointing the petitioner as a sole executor of the last Will and testament. Petitioner submits that the testator died on 5th November, 2023 leaving behind his wife, one son and four daughters. He submits that all the legal heirs have filed their affidavit of consent stating that they have no objection for grant of probate of the Will to the petitioner.

Counsel for the petitioner submits that the Will was executed in presence of attesting witnesses and both the attesting witnesses have also filed their affidavits stating that the executor has executed his last Will and Testament on 29th December, 2015 by appointing the petitioner as a sole executor 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 the probate.

Heard the learned counsel for the petitioner and perused the original Will, Death Certificate of the testator, affidavits of the legal heirs and the affidavit of the attesting witnesses.

This Court finds that the testator has executed the Will on 29th December, 2015 in presence of two attesting witnesses by appointing the petitioner as sole executor while possessing good health and fit state of mind.

All the legal heirs of the testator have submitted their affidavit of consent stating that they have no objection for grant of probate to the petitioner. Two attesting witnesses of the Will have also filed their affidavit stating that the testator had executed the Will in the presence of the both attesting witnesses by appointing the petitioner as a sole executor of his last Will and Testament while possessing good health and fit state of mind.

Considering the submission made by the counsel for the petitioner and the documents as mentioned above, this Court finds the petitioner has proved the Will and is entitle to get the probate of the last Will and Testament dated 29th December, 2015.

Accordingly the department is directed to grant probate to the petitioner after compliance of all formalities. At the time of grant of probate a copy of the Will be made as part of the probate.

PLA NO 201 of 2024 is disposed of.

(KRISHNA RAO, J.)