

OD- 12

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

PLA/248/2022

IN THE GOODS OF:
MANJUSRI PAUL (DEC.)

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date: 3rd December, 2024.

Appearance:
Ms. Sayani Das, Adv.
Ms. Sreetama Biswas, Adv.
Mr. Arya Bhattacharyya, Adv.
...for the petitioner.

The Court : Ms. Sayani Das, 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 14th February, 2019 executed by the deceased Manjusri Paul by appointing the petitioner as sole executor of her last Will and Testament in presence of the attesting witness.

Counsel for the petitioner submits that the testatrix died on 8th April, 2020 leaving behind two daughters namely, Mrs. Tanuka Sanjeev Joglekar and Mrs. Monica Kitchlu. Counsel for the petitioner submits that the husband of the testatrix was predeceased to the testatrix. Both the daughters have filed their affidavit of consent stating that they have no objection for grant of probate of the Will to the petitioner. One of the attesting witnesses namely, Sampa Mojumder has also filed her affidavit

stating that the testatrix has executed her last Will and Testament in her presence by appointing the petitioner as executor of her 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 the probate of the last Will and Testament dated 14th February, 2019.

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

It is found from the record that the testatrix has executed her last Will and Testament by appointing the petitioner as her sole executor of her last Will in presence of the witness out of one of the attesting witness of the Will has also filed affidavit stating that the testatrix has executed her last Will in her presence while possessing good health and fit state of mind by appointing the petitioner as sole executor.

Considering the above, 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 after compliance of all formalities.

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

Accordingly, PLA/248/2022 is disposed of.

(KRISHNA RAO, J.)