

OD-47

ORDER SHEET

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

PLA/283/2023

IN THE GOODS OF:
RAVI KANT KASAT (DEC.)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : November 14, 2024.

Appearance:

Mr. Rishav Karnani, Adv.

Mr. Anurag Bagaria, Adv.

Mr. Devansh Sonthelia, Adv.

... for the petitioner

The Court: Mr. Rishav Karnani, 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 12th December, 2021 executed by the executor Ravi Kant Kasat.

Counsel for the petitioner submits that the testator has executed the Will on 12th December, 2021 by appointing the petitioner as the sole executor of the last Will and Testament. The testator died on 13th October, 2022 leaving behind his father, namely, Ramawatar Kasat, mother Sumitra Devi Kasat, wife Rashmi R. Kasat, one son Raunak Kasat and another minor son Revant Kasat. Counsel for the petitioner submits that all the legal heirs have affirmed their affidavits and on behalf of the minor son, his mother has affirmed the affidavit stating the fact that they have no objection for grant of probate of the last Will and Testament dated 12th December, 2021 in favour of the petitioner. Counsel for the petitioner

submits out of two attesting witnesses, one witness is an executor but both witnesses have filed their affidavit in support of the Will.

Counsel for the petitioner submits that the petitioner has proved the Will and the petitioner is entitled to get probate in terms of the last Will and Testament dated 12th December, 2021.

Heard learned counsel for the petitioner. Perused the original Will, death certificate of the testator, affidavits of the legal heirs of the testator and affidavit of the attesting witnesses.

It is found that the legal heirs have categorically stated the testator has executed the Will by appointing the petitioner as executor of his last Will and Testament and they have no objection for grant of probate. Though one of the attesting witnesses is the executor himself and another attesting witness in his affidavit has categorically stated that the testator has executed his last Will and Testament in his presence and in presence of the another attesting witness while possessing good health and fit state of mind by appointing the petitioner as executor of his last Will and Testament.

Considering the above, this Court finds that the petitioner has proved the Will beyond reasonable doubt and there is no circumstance to raise suspicion over the execution of the Will dated 12th December, 2021. Accordingly, the petitioner is entitled to get probate of the last Will and Testament dated 12th December, 2021.

The department is directed to grant probate to the petitioner in terms of the last Will and Testament dated 12th December, 2021 after completion of all formalities.

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

PLA/283/2023 is disposed of.

(KRISHNA RAO, J.)

RS