

ORDER SHEET

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

PLA/296/2023

IN THE GOODS OF:  
SUBODH CHANDRA CHATTERJEE, DECEASED

BEFORE:  
The Hon'ble JUSTICE KRISHNA RAO  
Date : December 19, 2024.

Appearance  
Mr. Uday Narayan Betal, Adv.  
Mr. Mriganka Patra, Adv.  
... for the petitioners

The Court : Mr. Uday Narayan Betal, learned Advocate, is  
appearing for the petitioner.

The petitioners have filed the present application for grant of  
probate of the last Will and Testament dated 30<sup>th</sup> January, 2009 executed  
by the testator Subodh Chandra Chatterjee by appointing the petitioners as  
executors but in the Will it is recorded as executor.

Counsel for the petitioners submits that the wife of the testator,  
his mother and his son and married daughter were predeceased to the  
testator and accordingly, citations were issued but none has come forward  
to file no objection or filed caveat and accordingly, the department has  
issued No Caveat Certificate on 6<sup>th</sup> November, 2024.

Counsel for the petitioners submits that out of the two attesting  
witnesses, one attesting witness has filed affidavit stating that the testator  
has executed his last Will and Testament in his presence by appointing the  
petitioners as executors while possessing good health and fit state of mind.

Counsel for the petitioners submits that the testator died on 31<sup>st</sup> December, 2017. Counsel for the petitioners submits that the petitioners have proved the Will and are entitled to get the probate.

Heard learned counsel for the petitioners. Perused the original Will, death certificate of the testator, affidavit of the attesting witness and No Caveat Certificate issued by the department.

This Court finds that one of the attesting witnesses has stated in his affidavit that the testator has executed his last Will and Testament by appointing the petitioners as executors while possessing good health and fit state of mind.

Considering the above, this Court finds that the petitioners have proved the Will and they are entitled to get the probate.

Accordingly, the department is directed to grant probate of the last Will and Testament dated 30<sup>th</sup> January, 2009 after completion of all formalities. At the time of grant of probate, the copy of the Will be made part of the probate.

PLA/296/2023 is disposed of.

The department is directed not to draw up the order.

(KRISHNA RAO, J.)

RS