

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

PLA/413/2023

IN THE GOODS OF:
SUPRIYA JANA (DECEASED)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: 23rd December, 2024.

Appearance:

Mr. Nuran Nabi Chaudhury, Adv.

Mr. Chhandak Dutta, Adv.

...for the petitioner.

The Court : Mr. Nuran Nabi Chaudhury, 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 1st March, 2019 executed by the testatrix Supriya Jana.

Counsel for the petitioner submits that the testatrix has appointed the petitioner as the sole executor of her last Will and Testament. Counsel for the petitioner submits that the testatrix was unmarried and she died on 26th April, 2021 leaving behind no surviving legal heir.

Counsel for the petitioner submits that the testatrix had one sister. She was also spinster and she died on 7th February, 2018. Counsel for the petitioner submits that the testatrix had executed her last Will and Testament in presence of two attesting witnesses. Out of two attesting witnesses, one of the attesting witnesses namely, Ramkrishna Samanta has filed his affidavit in support of the Will.

Counsel for the petitioner submits that as the testatrix died leaving behind no legal heir, accordingly, general citations were issued. But in spite of issuance of general citations, none has appeared to object for grant of probate or filed any caveat or affidavit in support of the caveat.

Counsel for the petitioner submits that after issuance of citations, the Department has provided no caveat certificate stating that no caveat has been lodged.

Counsel for petitioner submits that the petitioner has proved the Will and is entitled to get the probate.

Heard learned counsel for the petitioner. Perused the application, original Will, death certificate of the testatrix, no caveat certificate of the Department and the affidavit of the attesting witness.

This Court finds that even after issuance of the citations, none have filed any caveat or affidavit in support of caveat and the Department has submitted no caveat certificate. The attesting witness in his affidavit has categorically stated that the testatrix has executed her last Will and Testament in his presence and in the presence of the other attesting witnesses by appointing the petitioner as sole executor of her last Will and Testament while possessing good health and fit state of mind.

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 issue probate to the petitioner of the last Will and Testament of the testatrix Supriya Jana dated 1st March, 2019 after completion of all formalities.

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

Accordingly, PLA/413/2023 is disposed of.

(KRISHNA RAO, J.)

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