

OD-47

ORDER SHEET

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

PLA/55/2021

IN THR GOODS OF :
BELA DEVI (DEC.)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: 29th January, 2025

Appearance:
Mr. Sourjya Roy, Adv.
...for the petitioner

The Court: Affidavit of consent filed by Smt. Rama Bhattacharya is accepted. Let the same be kept with record.

Mr. Sourjya Roy, 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 26th August, 2015 which was duly notarized on 28th August, 2015 executed by the testatrix, namely, Bela Devi wherein the testatrix has appointed the petitioner as sole executor of her Last Will and Testament in presence of two attesting witnesses. The testatrix died on 6th April, 2020 leaving behind four legal heirs i.e. two brothers and two sisters out of which the petitioner is one of the brothers and other three legal heirs have filed their affidavit of consent stating that they have no objection for grant of probate of the last Will and Testament. One of the legal heirs, namely, Tara Prasad Mukherjee is also attesting witness of the said Will and he has also filed affidavit stating that testatrix has executed his last Will and Testament in his presence and in presence of another attesting

witness while possessing good health and fit state of mind by appointing the petitioner as sole executor.

Heard learned Counsel for the petitioner. Perused the materials on record.

This Court finds that all legal heirs of the testatrix have given their consent for grant of probate of the Will to the petitioner. The attesting witness in his affidavit has categorically stated that the testatrix has executed her last Will and Testament in his presence 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 probate.

Accordingly, the Department is directed to issue probate to the petitioner on 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/55/2021 is disposed of.

(KRISHNA RAO, J.)

Sbghosh