

O-132

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

PLA/96/2021

IN THE GOODS OF:
SHAKUNTALA DEVI TODI (DECEASED)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: March 03, 2025.

Appearance:
Mr. Dhilon Sengupta, Adv.
Mr. Ayan Chakraborty, Adv.
Ms. Sohini Mukherjee, Adv.
...for the petitioner

The Court: Mr. Dhilon Sengupta, learned Counsel appearing for the petitioner.

The petitioner has filed the present application for grant of probate of the last Will and Testament dated 7th June, 2006 of the testatrix Smt Shakuntala Devi Todi.

Counsel for the petitioner submits that the testatrix has executed her last Will and Testament by appointing the petitioner as sole executor of the last Will and Testament.

The testatrix died on 16th July, 2006 leaving behind two sons, two daughters and two grand-sons. Counsel for the petitioner submits that the husband of the testatrix was pre-deceased to the testatrix and one of the son, namely, Kishan Kumar Todi was also the pre-deceased to the testatrix. All the legal heirs have filed their affidavit of consent stating that they have no objection for grant of probate to the petitioner. The legal heirs have also

the attesting witnesses of the said Will out of which Mr. Pradip Kumar Todi being one of the attesting witnesses have filed their affidavit of consent stating that the testatrix as executed her last Will and Testament in his presence and in presence of other legal heirs by appointing the petitioner as sole executor of her last Will and Testament by possessing good health and fit state of mind.

Counsel for the petitioner submits that one of the property situated outside the jurisdiction of the State of West Bengal at Maharashtra.

Accordingly, the notices were issued but in spite of the issuance of the notice, none has come forward to raise any objection and accordingly the department is submitted no caveat certificate on 26th February, 2025.

Considering the submission made by the counsel for the petitioner perused the original Will, death certificate of the testatrix, affidavit of consent of all the legal heirs, affidavit of attesting witness and no caveat certificate.

This Court finds that all the legal heir have filed affidavit have no objection to the grant of probate of the petitioner in terms of the Will. One of the attesting witness have so categorically stated that the testatrix had executed her last Will and testament in presence of all the legal heirs by appointing the petitioner as sole executor 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 dated 7th June, 2006 on compliance

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

PLA/96/2021 is disposed of.

(KRISHNA RAO, J.)

A Dey/ gb