

PLA/69/2025
IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY AND INTESTATE JURISDICTION

IN THE GOODS OF:
SIDDHARTHA BASU, DECEASED

BEFORE:
The Hon'ble JUSTICE ARINDAM MUKHERJEE
Date: 5th December, 2025

Appearance:
Mr. Anil Kumar Dhar, Adv.
Mr. Soumabho Ghose, Adv.
Ms. Iram Hassan, Adv.
Ms. Yukti Agarwal, Adv.
For the Executor.

The Court :- The two of the attesting witnesses could not be located despite being cited at their respective last known address and paper publication of the gist of the citation having been made, as a consequence whereof the execution of the Will was directed to be proved in solemn form.

The two witnesses have been examined. The first witness has claimed herself to be the sister of the deceased and the second witness is the executrix who is incidentally one of the daughters of the deceased. No one has come forward to object to the grant or sought to cross-examine the two witnesses. Both the witnesses have deposed that they were present at the time when the deceased had affixed his signature at different portions of the Will. The two witnesses have also seen the attesting witnesses sign in the presence of the testator and in presence of each other. One of the witnesses have also deposed that the attesting witnesses had seen the testator signed in their presence. The

two witnesses by virtue of her relationships with the deceased during his life time is a family member and the other is a very close relative. In ordinary course their presence while the will was executed is not an absolutely. The will in question is also a registered will.

After going through their depositions, I find that the testator prior to making the Will had explained to his daughters and wife about the way and manner in which he was to bequeath his assets and properties. The deposition further reveals that the testator after execution of the Will had retained the documents with him for the purpose of getting the same registered. The Will was executed on 23rd February, 2004 and was presented for registration on 25th February, 2004 as will appear from the dates endorsed in the original Will annexed to the petition. The original Will also reveals that the last signature put in by the concerned Registrar is dated 28th February, 2004. Thus the registration process was complete by 28th February, 2004. It is also deposed that after the registration was done, the testator collected the original Will and had shown it to his daughters and wife and had kept the same in his custody. The chain of events goes on to show that the testator was of sound mental state prior to execution of the Will and also subsequent thereto. The testator having affixed his signature in presence of several persons should also be presumed to be of sound mental disposition on 23rd February, 2004 when he executed the Will. The Will has been exhibited along with the signatures of the testator and the attesting witnesses. The endorsement at the last page of the Will and on the reverse of pages 1 to 4 as also at the top of the first page goes on to show that the Will is a registered document.

Considering all these aspects, I find that the Will has been proved as required under the provisions of Indian Succession Act, 1925. The testator was also of sound mental condition at the time of execution of the Will. No one has also appeared to object to the grant despite publication in the newspapers. The signatures in the petition as also on the affidavit of assets have been also proved by the executrix. There also does not appear to be any suspicious circumstances at this stage.

In the aforesaid facts and circumstances, the probate of the last Will and Testament left behind by Siddhartha Basu, the above named deceased on 23rd February, 2004 is granted in favour of Julie Roy, that is, the executrix.

The probate proceeding stands disposed of.

(ARINDAM MUKHERJEE, J.)