

OD-23

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

PLA/37/2023

IN THE GOODS OF BANDHU GOPAL ROY (DEC)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: 24th January, 2025.

Appearance:
Ms. Tulshi Das Ray, Adv.
Mrs. Susmita Pal, Adv.
...for the petitioner.

The Court: Ms. Susmita Pal, learned Senior Counsel, is appearing for the plaintiff.

The petitioner has filed the present application for grant of the letters of administration of the last Will and Testament of the deceased Bandhu Gopal Roy dated 10th November, 2004. Counsel for the petitioner submits that the testator has executed the last Will and Testament in presence of two attesting witnesses by appointing his elder son Bikash Kumar Roy as sole executor of this last Will. She submits that the testator died on 12th December, 2004 and the executor died on 19th September, 2018 and now the wife of the executor has filed the present application for grant of Letters of Administration.

The Counsel for the petitioner submits that the wife of the testator was the pre deceased to the testator who died on 30th August, 1998. She

submits that all the legal heirs of the testator have filed their affidavit of consent stating that they have no objection for grant of Letters of Administration. She further submits that out of two attesting witnesses, one attesting witness, namely, Dulal Bhattacharya has filed his affidavit stating that the testator has executed the last Will and Testament in his presence and in presence of another attesting witness while possessing good health and fit state of mind.

Counsel for the petitioner submits that the petitioner could not get the original death certificate of the testator and he is relying upon the death certificate issued by the hospital authorities and to prove the same the petitioner has examined herself before this Court and she has produced the medical certificate wherein it is proved that the testator died on 12th December, 2004.

Counsel for the petitioner submits that the petitioner has proved the Will and is entitled to get the Letters of Administration of the estate of the deceased.

Heard the learned Counsel for the petitioner and perused the original Will, death certificate of the testator, death certificate of the executor, death certificate of the wife of the testator, affidavit of consent of all the legal heirs and affidavit of attesting witness and the evidence of the petitioner and the death certificate issued by the hospital authorities which has been proved by the petitioner by examining herself before this Court and stated that she could not get the death certificate from the Municipal Authority but she obtained the

death certificate from the hospital authority wherein it appears the testator died on 12. 12. 2004.

Considering the above, this Court finds that the petitioner has proved the Will and is entitled to get the letters of administration.

Accordingly, the department is directed to issue Letters of Administration of the last Will and Testament dated 10th November, 2004 on furnishing bond of Rs. 4 lakhs with two sureties on compliance with all formalities.

PLA/37/2023 is disposed of.

(KRISHNA RAO, J.)

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