

OD-9

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

PLA/61/2024

IN THE GOODS OF:
JYOTSNA DASGUPTA (DEC.)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : 4th March, 2025.

Appearance:

Mr. Kanakendu Chatterjee, Adv.

Mr. Altamash Alim, Adv.

Mr. P. P. Mukhopadhyay, Adv.

...for petitioner

The Court: Mr. Kanakendu Chatterjee, 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 11th August, 2022 of the testatrix, namely, Jyotsna Dasgupta. The testatrix had executed her last Will and Testament by appointing the petitioner as sole executor of her last Will. Counsel for the petitioner submits that as the testatrix was unmarried and the father and mother of the testatrix were pre-deceased to the testatrix, accordingly, citations were issued.

In spite of issuance of citations, none has come forward to raise any objection by filing caveat or affidavit in support of caveat and the department has submitted no caveat certificate dated 13th January, 2025 certifying that no caveat has been lodged for grant of probate. The attesting witnesses also filed their affidavit stating that the testatrix had executed her last Will and Testament in his presence and in presence of another attesting witness by

appointing the petitioner as sole executor of her last Will and Testament while possessing good health and fit state of mind.

Heard the learned Counsel for the petitioner.

Perused the original Will, copy of the death certificate of the testatrix, who died on 8th February, 2023, no caveat certificate issued by the department and the affidavit of attesting witness.

The attesting witness has categorically stated that the testatrix had executed her last Will and Testament in his presence and in presence of another attending witness 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.

The department is directed to issue probate of the last Will and Testament dated 11th August, 2022 on compliance of all formalities.

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

PLA/61/2024 is disposed of.

(KRISHNA RAO, J.)