

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

PLA/67/2024
IN THE GOODS OF:
JAYANTA MITTER, DECEASED

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date: 21st January, 2025.

Appearance:
Mr. Sabyasachi Sen, Adv.
...for the petitioner.

The Court : Mr. Sabyasachi Sen, 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 20th December, 2013 of the testator Jayanta Mitter.

Counsel for the petitioner submits that the testator has executed his last Will and Testament by appointing the petitioner who is the wife of the testator as the sole executrix of his last Will in presence of two attesting witnesses.

Counsel for the petitioner submits that the testator died on 2nd November, 2023 leaving behind his wife who is the petitioner before this Court and one son and one daughter. Both the legal heirs have filed their affidavits of consent stating that they have no objection for grant of probate of the Will to the petitioner.

The attesting witness namely, Debabrata Banerjee has also filed the affidavit stating that the testator has executed his last Will and Testament

in his presence while possessing good health and fit state of mind by appointing the petitioner as sole executrix of the said Will.

Counsel for the petitioner submits that the petitioner has proved the Will and is entitled to get the probate.

Heard learned counsel for the petitioner and perused the original Will, death certificate of the testator, affidavits of consent of both the legal heirs and affidavit of the attesting witness.

Both the legal heirs have categorically stated in their affidavits that they have no objection for grant of probate. The attesting witness in his affidavit has stated that the testator 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 executrix of his last Will and Testament.

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 of the last Will and Testament dated 20th December, 2013 on compliance of all formalities.

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

Accordingly, PLA/67/2024 is disposed of.

(KRISHNA RAO, J.)