

OD-10

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Testamentary & Intestate Jurisdiction
ORIGINAL SIDE

PLA/90/2024

IN THE GOODS OF:
ANUPAM DASGUPTA (DECEASED)

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date : 4th March, 2025.

Appearance:
Mr. P. S. Mullick, Adv.
Mr. Ratan Pal, Adv.
...for petitioner

The Court: Mr. P. S. Mullick, 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 28th February, 2018 of the testator namely Anupam Dasgupta. Counsel for the petitioner submits that testator had executed his last Will and Testament while possessing good health and fit state of mind in presence of two attesting witnesses by appointing the petitioner as sole executrix of his last Will.

Counsel for the petitioner submits that the testator died on 26th June, 2022 leaving behind four legal heirs i.e. wife, son and two daughters. Wife is the executrix of the Will and petitioner before this Court. The other three legal heirs have filed their affidavit of consent stating that they have no objection for grant of probate of the last Will and Testament of the testator. One of the attesting witnesses has also filed her affidavit stating that the testator had executed his last Will and Testament in her 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.

Considered the submission made by the counsel for the petitioner.

Perused the original Will, death certificate of the testator, affidavit of consent of all the legal heirs and affidavit of attesting witness.

It is found that the legal heirs have categorically stated that they have no objection for grant of probate and the attesting witness in her affidavit stated that the testator had executed his last Will and Testament in her 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.

Considering the above, this Court finds that petitioner has proved the will and is entitled to get probate.

The department is directed to issue probate of the last Will and Testament dated 28th February, 2018 on compliance of all formalities.

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

PLA/90/2024 is disposed of.

(KRISHNA RAO, J.)

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