

ORDER SHEET

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

PLA/97/2024

IN THE GOODS OF:
CHHABI MUKHERJEE, DECEASED

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

Appearance:
Ms. Sayani Das, Adv.
Ms. Sreetama Biswas, Adv.
... for the petitioner

The Court: Ms. Sayani Das, learned Counsel, is appearing for the petitioner.

The petitioner has filed the present application for grant of probate of the last Will and Testament dated 16th October, 2020 of the testatrix, Chhabi Mukherjee.

Counsel for the petitioner submits that the testatrix has executed her last Will and Testament by appointing the petitioner as the sole executor of her last Will and Testament in presence of two attesting witnesses while possessing good health and fit state of mind.

Counsel for the petitioner submits that the husband of the testatrix was predeceased who died on 28th January, 1988 and no child was born out of their wedlock. Counsel for the petitioner submits that the testatrix died leaving behind one legal heir who is her sister, namely, Bela Lahiri and she has filed her affidavit of consent stating that she has no objection for grant of probate to the petitioner. One of the attesting witness

has filed affidavit stating that the testatrix has executed her 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 the sole executor of her last Will and Testament. The testatrix died on 8th February, 2021.

Considered the submission made by the counsel for the petitioner. Perused the original Will, copy of the death certificate of the testatrix, affidavit of consent of the sister of the testatrix, affidavit of attesting witness.

The sister of the testatrix in her affidavit stated that she has no objection for grant of probate to the petitioner. Attesting witness in his affidavit has categorically stated that the testatrix has executed her 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 the sole executor of her last Will and Testament.

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 to the petitioner of the last Will and Testament dated 16th October, 2020 on compliance of all formalities.

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

PLA/97/2024 is disposed of.

(KRISHNA RAO, J.)