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ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY & INTESTATE JURISDICTION

IA No.GA/1/2025
IN
PLA/122/2025
IN THE GOODS OF :
CHANDRA KUMAR RAJGARHIA , DECEASED

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 10th November, 2025.

Mr. Suman Kr. Dutt, Sr. Adv., Mr. Mohit Gupta, Mr. A. P.
Agarwalla, Advocates for petitioner.

The Court : In the application for grant being PLA 122 of 2025 which is a non-contentious one till now, the executor has sought for grant of probate in respect of the properties and assets comprising the estate left behind by the deceased all over the Union of India.

In such application for grant of probate another application being I.A. No. G.A.1 of 2025 has been filed for listing the main application i.e., PLA 122 of 2025 and granting the relief claimed therein.

On a perusal of the affidavit of assets it appears that certain movables which comprises the estate are essentially share certificates in companies having their registered office situate outside the State of West Bengal and the value of such shares are in excess of Rs.10,000/-. This attracts the provisions of Section 273(b) of the Indian Succession Act, 1925, the applicability whereof in case of proceedings before the High Court is in

dispute. The executor now prays for issuance of a modified grant restricted to the properties and assets forming part of the estate left behind by the deceased confined only to the State of West Bengal.

In the aforesaid facts and circumstances, the main application being PLA 122 of 2025 is treated as on day's list with consent of the petitioner. The Will being the subject matter having been proved in common form by the affidavit of the attesting witness and the heirs in intestacy also having consented to the grant, there is no embargo in allowing such grant. This application is allowed by granting probate to the executor in respect of the properties and assets of the deceased which are situated within the State of Bengal. The executor has to comply with the necessary formalities for the issuance of grant in his favour.

So far as the shares forming part of the estate being in dematerialised form and are in dematerialised accounts maintained within the State of West Bengal, the executor shall be entitled to administer the same in accordance with law.

The application being PLA 122 of 2025 along with I.A. G.A. No. 1 of 2025 are, accordingly, disposed of.

(ARINDAM MUKHERJEE, J.)