

ORDER SHEET

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

PLA/139/2024

IN THE GOODS OF:
CHANDRA MOHAN SINHA, DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : March 4, 2025.

Appearance:

Ms. Nikita Khaitan, Adv.

... for the petitioner

The Court: Ms. Nikita Khaitan, 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 20th May, 2023 of the testator, Chandra Mohan Sinha.

Counsel for the petitioner submits that the testator has executed his last Will and Testament by appointing the petitioner as well as daughter in law, Devanjalee Mitra Sinha as jointly and severally executors of his last Will and Testament while possessing good health and fit state of mind in presence of two witnesses.

Counsel for the petitioner says that the testator died on 27th January, 2024 leaving behind two legal heirs i.e., wife, namely, Sulekha Sinha, who is the petitioner before this Court and Kaushik Sinha who is the son.

Counsel for the petitioner submits that the another executrix, namely, Devanjalee Mitra Sinha has filed her affidavit stating that she has no objection for grant of probate to the petitioner. The son of the petitioner has also given the affidavit stating that he has no objection for grant of probate. The son is one

of the attesting witness and has filed affidavit stating that the testator has executed his last Will and Testament in his presence and in presence of another attesting witness, namely, Zeheli Sema who has also filed her affidavit stating that the testator has executed his last Will and Testament in her presence and in her presence the son of the testator, Kaushik Sinha by appointing the petitioner and Devanjalee Mitra Sinha as joint executors of his last Will and Testament.

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

Considering the above, this Court finds that the son is also the attesting witness along with another attesting witness and both the attesting witnesses stated in their affidavit that the testator has executed his last Will and Testament in his presence by appointing the petitioner as executrix of his last Will and Testament while possessing good health and fit state of mind. Another executrix has submitted her affidavit stating that she has no objection for grant of probate to the petitioner being one of the executrix.

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

The department is directed to issue probate to the petitioner of the last Will and Testament dated 20th May, 2023 on compliance of all formalities.

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

PLA/139/2024 is disposed of.

(KRISHNA RAO, J.)