

OD-47

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

PLA/144/2024

IN THE GOODS OF:
(i) LATE SAROJINI BHOWMIK AND
(ii) LATE NIRMAL KRISHNA BHOWMIK (DECEASED)

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date: 25th February, 2025.

Appearance:
Mr. Abhirup Chakraborty, Adv.
...for the petitioner

The Court: Mr. Abhirup Chakraborty, learned Counsel, is appearing for the petitioner.

Petitioner has filed the present application for grant of probate of the last Will and Testament of the testatrix Smt Sarojini Bhowmick and the testator Shri Nirmal Krishna Bhowmik.

Counsel for the petitioner submits that the testatrix and the testator have jointly executed their last Will and Testament by appointing the petitioner and one Smt Bharati Bhowmik as joint executors of their last Will and Testament. Counsel for the petitioner submits that another executrix, namely, Smt Bharati Bhowmik has submitted an affidavit stating that she has no

objection for grant of probate and accordingly the present petitioner, being one of the executors, has filed the present application.

The testatrix died on 28th August, 2021 and the testator died on 21st July, 2014 leaving behind one daughter, namely Smti Mitra Mitra. The daughter has filed an affidavit of consent stating that she has no objection for grant of probate. Both the attesting witnesses have also filed their affidavits stating that the testator and testatrix have executed the Will in their presence by appointing the petitioner along with Smt. Bharati Bhowmik as joint executors while possessing good health and fit state of mind.

Heard learned Counsel for the petitioner and perused the original Will, affidavits of the attesting witnesses, affidavit of consent of the daughter and the affidavit of the other executrix of the Will. This Court finds that the legal heir, that is, the daughter of the testator and testatrix, has categorically stated in her affidavit that she has no objection for grant of probate to the petitioner. The attesting witnesses in their affidavits have categorically stated that both the testator and testatrix have executed their Will in their presence while possessing good health and fit state of mind by appointing the petitioner and Shri Bharati Bhowmik as joint executors to their 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 17th October, 2007 on compliance of all formalities. At the time of grant of probate, the copy of the Will be made part of the probate.

PLA/144/2024 is disposed of.

(KRISHNA RAO, J.)

gb.