

OD-39

ORDER SHEET

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

PLA/149/2024

IN THE GOODS OF:
VIDYA DEVI CHOUDHARY, DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : January 21, 2025.

Appearance:

Ms. Mandeep Kaur, Adv.
...for the petitioner

The Court: Ms. Mandeep Kaur, 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 10th July, 2023 executed by the testatrix, Vidya Devi Choudhary.

Counsel for the petitioner submits that the testatrix died on 14th August, 2023 leaving behind her husband Sajan Kumar Choudhary, her son Anuj Choudhary and her daughter Archana Bagla.

Counsel for the petitioner submits that all the legal heirs have filed their affidavit of consent stating that they have no objection for grant of probate of the last Will and Testament to the petitioner in terms of the Will.

Counsel for the petitioner submits that the son Anuj Choudhary, who is also one of the attesting witnesses of the said last Will and Testament, has also submitted affidavit stating that testatrix had executed her last Will and Testament in his presence and in presence of the another attesting witness

while possessing good health and fit state of mind by appointing the petitioner as executor of her last Will.

Considered the submission made by the counsel for the petitioner. Perused the original Will, death certificate of the testatrix, affidavit of consent of all the legal heirs and affidavit of the attesting witness.

This Court finds that all the legal heirs have filed their consent stating that they have no objection for grant of probate and the attesting witness has also stated in his affidavit that the testatrix had 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 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 probate.

The department is directed to issue probate to the petitioner on compliance of all formalities.

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

PLA/149/2024 is disposed of.

(KRISHNA RAO, J.)