

ORDER SHEET

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

PLA/172/2024

IN THE GOODS OF:
SHYAM SUNDAR KHAITAN, DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : March 4, 2025.

Appearance:
Mr. Shiv Ratan Kakrania, Adv.
Ms. Shreya Goenka, Adv.
... for the petitioner

The Court: Mr. Shiv Ratan Kakrania, 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 March, 2018 of the testator, Shyam Sundar Khaitan.

Counsel for the petitioner submits that the testator has executed his last Will and Testament by appointing the petitioner as the sole executor of his 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 testator died on 3rd November, 2021. Counsel for the petitioner submits that the testator died leaving behind his wife, son and daughter. The wife and the daughter of the testator have submitted their affidavits of consent stating that they have no objection for grant of probate to the petitioner. Both the attesting witnesses have filed their affidavits stating that the testator has executed his last Will and Testament in their presence while possessing good health and fit state

of mind by appointing the petitioner as sole executor 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 wife and the daughter of the testator, affidavit of the attesting witnesses.

This Court finds that the legal heirs, i.e. the wife and the daughter of the testator in their affidavits of consent have categorically stated that they have no objection for grant of probate to the petitioner and the attesting witnesses in their affidavits stated that the testator has executed his last Will and Testament in their presence while possessing good health and fit state of mind by appointing the petitioner as the sole executor of his 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 March, 2018 on compliance of all formalities.

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

PLA/172/2024 is disposed of.

(KRISHNA RAO, J.)