

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

PLA/115/2022

IN THE GOODS OF: KALACHAND ROY (DEC)

BEFORE:

The Hon'ble JUSTICE SUGATO MAJUMDAR

Date : 22nd September, 2025.

Appearance:

Mr. Debdatta Saha, Adv.
Mr. Subhamay Dewanji, Adv.
...for the petitioner

The Court:- This is an application for Grant of Probate of the last Will and Testament of the deceased Kalachand Roy.

The said Kalachand Roy since deceased was a resident of 11/A, Anukul Mukherjee Road, Kolkata-700006 and was a Hindu. He breathed his last on 19th March, 2021. Prior to his death, he executed his last Will and Testament on 27th July, 2020. He appointed his son as the Executor of the Will. Accordingly, the petitioner being the Executor filed the instant application praying for Grant of Probate.

Citations were issued. No caveat was lodged. Accordingly, the instant application became non-contentions.

One of the attesting witnesses, Dr. Rajesh Kumar Pandey deposed that the Will was executed by the Testator in his presence and that he was

physically fit and mentally alert except his ailment of arthritis. This ailment prevented him to put his signature on the Will; instead he put his left thumb impression on the Will to execute the same. He further deposed that the elder daughter and other attesting witnesses were present at the time of execution of the Will. The attesting witnesses also identified the left thumb impression of the Testator which was put in his presence on the Will. The Executor also produced the Death Certificate.

On appreciation of the unchallenged testimony of the witnesses, this Court is of the view that due execution of the last Will and Testament of deceased Kalachand Roy dated 27th July, 2020 is proved, as required by Section 63 of the Indian Succession Act.

Let the Probate be granted.

The instant application stands disposed of. Inventory and account shall be filed within six months from date of Grant of Probate.

(SUGATO MAJUMDAR, J.)