

ORDER SHEET

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

PLA/105/2023

IN THE GOODS OF :
SMT. NARAYANI DEBI @ RANU SARKAR, DECEASED

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date : February 21, 2025.

Appearance:
Mr. Kaushik Pradhan, Adv.
... for the petitioner

The Court: Mr. Kaushik Pradhan, learned Advocate, is appearing for the petitioner.

The petitioner has filed the present application for grant of probate of the last Will and Testament of the testatrix Smt. Narayani Debi @ Ranu Sarkar.

The petitioner says that the testatrix has executed her last Will and Testament by appointing the petitioner as the sole executor of her last Will and Testament in presence of two attesting witnesses. Counsel for the petitioner submits that in the Will itself, the testatrix has mentioned that the testatrix has no legal heirs as her husband had already died and out of their wedlock no child was born and her mother and father had also expired. One of the attesting witnesses has filed affidavit stating that the testatrix has executed her last Will and Testament in his presence and in presence of another witness by appointing the petitioner as the sole executor of her last Will and Testament while possessing good health and fit state of mind.

Counsel for the petitioner submits that after filing of the application, citations were issued but none has come forward to file any caveat.

Accordingly, the department has submitted no caveat certificate on 14th January, 2025 stating that no caveat has been entered against the grant of probate. He submits that the petitioner has proved the Will and is entitled to grant probate.

Heard learned counsel for the petitioner. Perused the original Will, death certificate of the testatrix, affidavit of the attesting witness and the no caveat certificate issued by the department.

It is categorically stated by the testatrix in the Will that her husband had already died and she was issueless and her mother and father had also expired. The attesting witness in his affidavit has categorically stated that the testatrix has executed her last Will and Testament in his presence and in presence of another witness while possessing good health and fit state of mind by appointing the petitioner as the 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 of the last Will and Testament of Smt. Narayani Debi @ Ranu Sarkar dated 15th November, 2021 on compliance of all formalities.

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

PLA/105/2023 is disposed of.

The department is directed not to draw up and complete the order.

(KRISHNA RAO, J.)