

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Testamentary and Intestate Jurisdiction
ORIGINAL SIDE

PLA/272/2021

IN THE GOODS OF :
BINA GANGOOLY ALIAS BINA GANGULY
ALIAS BINA GANGULLY, DECEASED

BEFORE:

The Hon'ble JUSTICE SUGATO MAJUMDAR

Date : 9th December, 2025.

Appearance:

Mr. Ayan Dutta, Adv.

Mr. Tapan Sil, Adv.

...for the petitioner.

Mr. Gopal Chandra Das, Adv.

Ms. M. Nath, Adv.

Ms. Ananya Das, Adv.

...for KMC.

The Court :- Perused the report dated 08.12.2025 submitted by the Registrar-in-Charge, Original Side. Correction in the earlier order dated 18.11.2025 be carried out as proposed.

Learned counsel for the Kolkata Municipal Corporation submitted certified copy of death certificate/death report of the Testatrix Bina Gangooly alias Bina Ganguly alias Bina Gangully. Being the certified copy, let the same be marked as 'Exhibit-C', expunging the present 'Exhibit-C' being the copy of original death certificate.

On hearing arguments, the instant application is taken up for passing judgment.

This is an application praying for grant of probate of the last Will and Testament of the deceased Bina Gangooly alias Bina Ganguly alias Bina Gangully

The deceased was a Hindu governed by Dayabhaga School of Hindu Law who expired on 06.04.2007 at Mission of Mercy Hospital. The last place of abode of the deceased was P-19A, C.I.T Road, Scheme 10M, Police Station-Beliaghata, Kolkata-700010. Prior to her death, she executed her last Will and Testament on 04.12.2001 in Bengali language, which was got registered by the Additional Registrar of Assurances III, Calcutta in Book No. III, Volume No. 19, pages 250 to 256 being no. 949 for the year 2001. In the said Will, the son-in-law of Testatrix Utpal Banerjee was appointed as the Executor and the present petitioner was the Executor by default. Since said Utpal Banerjee did not file application for grant of probate, the proceeding has been drawn up by the petitioner.

Citations were issued. No caveat was lodged.

P.W.-1 is the attesting witness who identified the signature of the Testatrix as well as of himself. He deposed his unchallenged testimony which shows that the Will was executed by the Testatrix in his presence and he also attested the Will in presence of the Testatrix; she was physically fit and mentally alert at the time of execution of the Will. She was at the age of 60 years and died after 7 years of the execution of the Will.

Unchallenged testimony of the witness established that the Will was executed in terms of Section 63 of the Indian Succession Act. Since it is a registered Will, genuineness can also be presumed.

Let probate be granted.

Inventory and accounts shall be filed within six months from the issue of grant of probate.

The instant application stands disposed of.

(SUGATO MAJUMDAR, J.)