

ORDER SHEET

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

PLA/187/2024

IN THE GOODS OF:
MEENA GANGULY ALIAS MEENA GANGULI, DECEASED

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date : March 4, 2025.

Appearance:
Mr. Dwaipayana Mitra, Adv.
...for the petitioner

The Court: Mr. Dwaipayana Mitra, learned advocate, is appearing for the petitioners.

The petitioners have filed the present application for grant of probate of the last Will and Testament of the testatrix Meena Ganguly @ Meena Ganguli dated 29th January, 2019.

Counsel for the petitioners submits that the testatrix had executed her last Will and Testament in presence of two attesting witnesses while possessing good health and fit state of mind by appointing the petitioners as joint executors of her last Will and Testament.

Counsel for the petitioners submits that the husband of the testatrix was predeceased to the testatrix. The testatrix died on 29th November, 2023 leaving behind two sons, who are the petitioners before this Court and the joint executors of the last Will and Testament of the testatrix.

Counsel for the petitioners submits that the testatrix had executed her last Will and Testament in presence of two attesting witnesses, out of which one attesting witness has filed the affidavit stating 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 petitioners as joint executors of her last Will and Testament.

Considering the submission made by the counsel for the petitioner.

Perused the original Will, death certificate of the testatrix, affidavit of the attesting witness.

This Court finds that the attesting witness has categorically stated that the testatrix had executed her last Will and Testament in his presence and in presence of another attesting witness by appointing the petitioners as joint executors of her last Will and Testament while possessing good health and fit state of mind.

Considering the above, this Court finds that the petitioners have proved the Will and are entitled to get the probate.

The department is directed to issue probate of the last Will and Testament dated 29th January, 2019 on compliance of all formalities.

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

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

PLA/187/2024 is disposed of.

(KRISHNA RAO, J.)