

OD-37

ORDER SHEET

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

PLA/189/2024

IN THE GOODS OF :
GURDEV KAUR ALIAS GURDEV KAUR DHILLON (DECEASED)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: March 10, 2025.

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

The Court: Ms. Dwaipayana Mitra, 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 27th November, 2015 of the testatrix, Gurdev Kaur @ Gurdev Kaur. Dhillon .

Counsel for the petitioner submits 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 while possessing good health and fit state of mind. He submits that the testatrix died on 11th November, 2023 leaving behind two legal heirs i.e. one son, namely, Mr. Kam Singh Dhillon alias Kam Dhillon alias Karamjit Singh Dhillon and one married daughter, namely, Mrs. Jagjit Kaur Lehal.

Counsel for the petitioner submits that both the legal heirs have filed their affidavit of consent stating that they have no objection for grant of probate of the last Will and Testament to the petitioner.

Counsel for the petitioner submits that the testatrix has signed her last Will and Testament in Punjabi language and the same was duly read over and explained by one of the attesting witnesses, namely, Kuldip Singh. Mr. Kuldip Singh being one of the attesting witnesses has filed two affidavits. In one affidavit he has stated that he had read over and explained the contents of the Will to the testatrix in Punjabi language and another affidavit he has stated that the testatrix has 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 petitioner as sole executor of her last Will and Testament.

Considered the submissions made by the Counsel for the petitioner. Perused the original Will, death certificate of the testatrix, affidavit of consent filed by both the legal heirs and affidavits of attesting witness, namely, Mr. Kuldip Singh.

This Court finds that both the legal heirs have filed their affidavits stating that they have no objection for grant of probate of the last Will and Testament and the attesting witness has categorically stated in his affidavit 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 sole executor. He has also stated that the testatrix has executed her last Will and Testament in Punjabi

language and the same was read over and explained by the attesting witness in Punjabi language.

Considering the above documents, 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 27th November, 2015 on compliance of all formalities.

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

PLA/189/2024 is disposed of.

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

(KRISHNA RAO, J.)

Sbghosh