

OD-18

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY AND INTESTATE JURISDICTION
ORIGINAL SIDE

PLA/210/2024

IN THE GOODS OF :
ANADI NATH MUKHERJEE, DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: 17th March, 2025.

Appearance:
Ms. Archita Chel, Adv.
Mr. Triptimoy Talukder, Adv.
...for the petitioner

1. Ms. Archita Chel, learned Counsel, is appearing for the petitioner.
2. The Petitioner has filed the present application for grant of probate of the last Will and Testament dated 1st January, 2021 of the testator Anandi Nath Mukherjee.
3. Counsel for the petitioner submits that the testator had executed his last Will and Testament by appointing the petitioner as sole executor of his Will in presence of two attesting witnesses. She submitted that the petitioner is the son of the testator. The testator died on 13th April, 2021 leaving behind his wife Bulbul Mukherjee, his son ShibSankar Mukherjee, the petitioner herein, two daughters Debjani Banerjee and Indrani Mondal.

4. Counsel for the petitioner submits that all the legal heirs have filed their affidavit of consent stating that they have no objection for grant of probate to the petitioner of the last Will and Testament dated 1st January, 2021. She submitted out of the two attesting witnesses one attesting witness, namely, Rabin Biswas has filed an affidavit stating that the testator had executed his last Will and Testament on 1st January, 2021 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.

5. Counsel for the petitioner submitted that the petitioner has proved the Will and is entitled to get the probate.

6. Considered the submission made by the Counsel for the petitioner. Perused the original Will, death certificate of the testator, affidavit of consent of all the legal heirs and affidavits of the attesting witness.

7. This Court finds that the testator died on 13th April, 2021 leaving behind his wife, two daughters and son. Son is the petitioner before this Court, who is the sole executor of the Will. Other legal heirs have given the affidavit of consent stating that they have no objection for grant of probate to the petitioner. The attesting witness in his affidavit has categorically stated that the testator has executed his 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.

8. Considering the same, this Court finds that the petitioner is entitled to get the probate.

9. The department is directed to issue probate of the last Will and Testament dated 1st January, 2021 of the testator Anadi Nath Mukherjee to the petitioner on compliance of all formalities. At the time of grant of probate, the copy of the Will be made part of the probate.

PLA/210/2024 is disposed of.

(KRISHNA RAO, J.)

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