

OD-19

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

PLA/211/2024

IN THE GOODS OF :
MAYA DAS, DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: 17th March, 2025.

Appearance:
Mr. Arnab Dutt, Adv.
...for the petitioner

1. Mr. Arnab Dutt, 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 10th March, 2017 of the testatrix Smt Maya Das.
3. Counsel for the petitioner submits that the testator had executed her last Will and Testament by appointing the petitioner as sole executor of her last Will in presence of two attesting witnesses. The testatrix died on 5th April, 2024. The husband of the testatrix was predeceased to the testatrix, who died on 28th February, 2018. The testatrix died leaving behind three legal heirs, that is, one daughter and two sons. Counsel for the petitioner submits all the legal

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

4. The Counsel for the petitioner further submits that the testator had executed his last Will in presence of two attesting witnesses and out of two attesting witnesses, one attesting witness, namely, Sujit Kumar Ghosh has filed his affidavit stating that the testator 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 petitioner as sole executor of her last Will and Testament.

5. Heard learned Counsel for the petitioner. Perused the original Will, death certificate of the testatrix, death certificate of the husband of the testatrix, affidavits of consent of all the legal heirs and affidavit of the attesting witnesses. All the legal heirs in their affidavit have categorically stated that they have no objection for grant of probate to the petitioner of the last Will and Testament of the testatrix. The attesting witness in his affidavit 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.

6. Considering the above, this Court finds that the petitioner has proved the Will and is entitled to get the probate.

7. The department is directed to issue probate of the last Will and Testament dated 10th March, 2017 of the testatrix Smt Maya Das 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.

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

PLA/211/2024 is disposed of.

(KRISHNA RAO, J.)

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