

ORDER SHEET

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

PLA/215/2024

IN THE GOODS OF :
SMT. SANTI ROY, DECEASED

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date : 10th February, 2025.

Appearance:
Mr. Altamash Alim, Adv.
Mr. A. Mukherjee, Adv.
...for the executrix

The Court:- Mr. Altamash Alim, learned Advocate is appearing for the petitioner.

The petitioner has filed the present application for grant of probate of the last Will and Testament dated 2nd June, 2015 executed by the testatrix Smt. Santi Roy in the presence of two attesting witnesses while possessing good health and fit state of mind.

Counsel for the petitioner has submitted that the testatrix has appointed the petitioner as sole executrix of her last Will and Testament. The testatrix died on 13th July, 2022 leaving behind her two legal heirs i.e. the son and daughter. Son is the beneficiary of the Will and the daughter has given no objection for grant of probate of the last Will and Testament.

The petitioner submitted that both the attesting witnesses have also filed their affidavit stating that the testatrix has executed her last Will and Testament in their presence by appointing the petitioner as sole executrix of her last Will. In the Will itself it is mentioned that the husband of the testatrix died on 20th October, 2012.

Heard learned Counsel for the petitioner. Perused the original Will, death certificate, affidavit of consent of the daughter Smt. Swati Roy, affidavit of both the attesting witnesses who have categorically stated that the testatrix has executed her last Will and Testament in their presence by appointing the petitioner as sole executrix while possessing good health and fit state of mind.

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

Department is directed to issue probate of the last Will and Testament dated 2nd June, 2015 of the deceased Smt. Santi Roy on compliance of all formalities.

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

PLA/215/2024 is disposed of.

(KRISHNA RAO, J.)