

ORDER SHEET

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

PLA/312/2021

IN THE GOODS OF:
JYOTSNA REKHA CHOWDHURY, DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : February 10, 2025.

Appearance:

Mr. Jayanta Narayan Mahanty, Adv.
...for the petitioner

The Court: Mr. Jayanta Narayan Mahanty, 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 5th August, 2008 executed by the testatrix, namely, Jyotsna Rekha Chowdhury, by appointing the petitioner as sole executor of her last Will and Testament.

Counsel for the petitioner submits that the testatrix died on 26th June, 2009 leaving behind two sons and two daughters out of which one son is the executor of the Will. Counsel for the petitioner submits that husband of the testatrix was predeceased to the testatrix. He submits that all the legal heirs have filed their no objection for grant of probate of the last Will and Testament to the petitioner. He further submits that one of the sons, namely, Bishnu Prasad Chowdhury, is the attesting witness of the said last Will and Testament and he has filed 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 petitioner as sole executor of her last Will and Testament.

Heard the learned counsel for the petitioner. Perused the original Will, death certificate of the testatrix, affidavit of all the legal heirs and affidavit of the attesting witness.

This Court finds that all the legal heirs have filed their affidavit stating that they have no objection for grant of probate to the petitioner and 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 while possessing good health and fit state of mind by appointing the petitioner as sole executor of her last Will and Testament.

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

The department is directed to issue probate 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/312/2021 is disposed of.

(KRISHNA RAO, J.)