

OD-24

ORDER SHEET

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

PLA/234/2024

IN THE GOODS OF :
GITANJALI ROY, DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : March 18, 2025.

Appearance:

Mr. Tapan Coomar Dey, Adv.

Ms. Shreya Chatterjee, Adv.

... for the petitioners

1. Mr. Tapan Coomar Dey, learned Advocate, is appearing for the petitioners.

2. The petitioners have filed the present application for grant of probate of the last Will and Testament dated 11th September, 2022 of the testatrix, Gitanjali Roy.

3. Counsel for the petitioners submits that the testatrix has executed her last Will and Testament by appointing the petitioners as joint executor and executrix of her last Will and Testament in presence of two attesting witnesses while possessing good health and fit state of mind.

4. Counsel for the petitioners submits that the testatrix died on 6th December, 2023 and the husband of the testatrix was predeceased to the testatrix. The testatrix died leaving behind two legal heirs who are the petitioners and the executor and executrix of the Will. The legal heirs are also the attesting witnesses to the Will. Both the legal heirs have affirmed

affidavit stating that the testatrix has executed her last Will and Testament in their presence.

5. Considered the submission made by the counsel for the petitioners. Perused the original Will, death certificate of the testatrix, certificate issued by Paldhui Gram Panchayat, Purba Medinipur wherein it is certified that the husband of the testatrix, namely, Kalipada Roy died 25 years ago.

6. This Court finds that the petitioners are the executor and executrix of the Will and they are also the attesting witnesses to the Will and in their affidavit both have stated that the testatrix has executed her last Will and Testament in their presence while possessing good health and fit state of mind by appointing them as executor and executrix of her last Will and Testament.

7. Considering the above, this Court finds that the petitioners have proved the Will and are entitled to get the probate.

8. The department is directed to issue probate of the last Will and Testament dated 11th September, 2022 on compliance of all formalities.

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

10. PLA/234/2024 is disposed of.

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

(KRISHNA RAO, J.)