

ORDER SHEET

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

PLA/250/2024

IN THE GOODS OF :
SHRI BINOY KUMAR SARAOGI

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : 28th January, 2025.

Appearance:

Mr. Aasish Choudhury, Adv.

Mr. Varun Kothari, Adv.

Mrs. Nikita Khaitan, Adv.

...for the petitioner

The Court:- Mr. Aasish Choudhury, 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 20th March, 2021 of the testator Shri Binoy Kumar Saraogi.

Counsel for the petitioner submits that the testator while possessing good health and in fit state of mind has executed his last Will and Testament by appointing the petitioner as his sole executor of his last Will in the presence of two attesting witnesses. The testator died on 23rd May, 2021 leaving behind four legal heirs i.e. wife, son and two daughters. The son is the executor and petitioner before this Court. All the legal heirs have filed their no objection for grant of probate to the petitioner. Both the attesting witnesses have also filed their affidavits stating that the testator has executed his last Will and Testament in their presence while possessing good health and fit state of mind by appointing the petitioner as sole executrix of his last Will and Testament.

Heard the learned Counsel for the petitioner, perused the original Will , death certificate of the testator, affidavit of consent of all the legal heirs and the affidavit of the attesting witness. 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 20th March, 2021 on compliance of all formalities. At the time of grant of probate, the copy of the Will is to be made as part of the probate.

PLA/250/2024 is disposed of.

(KRISHNA RAO, J.)