

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

PLA/138/2016

IN THE GOODS OF :
SRI BARINDRA NATH MITRA (DEC)

BEFORE:

The Hon'ble JUSTICE SUGATO MAJUMDAR

Date : 10th September, 2025.

Appearance:

Mr. Lal Ratan Mondal, Adv.

Mr. Rabi Ghosh, Adv.

...for the plaintiff

The Court:- The instant application was filed praying for grant of probate of the last Will and testament of the deceased Sri Barindra Nath Mitra.

The deceased Barindra Nath Mitra was a Hindu, governed by Dayabhaga School of Law, who had his last place of abode at D/585, Lake Gardens, Kolkata-700045. The said Barindra Nath Mitra breathed his last on 31st May, 2002. Prior to death, he executed his last Will and Testament dated 4.2.2002. The Testator left behind his only son, Raj Kumar Mitra; his mother and wife pre-deceased him.

This application was filed for grant of probate by the Executor appointed under the Will.

General as well as special citations were issued; paper publications were made.

No caveat was lodged to oppose this proceeding. As such, the probate proceedings became uncontentious.

PW-1 is the attesting witness whereas PW-2 is the Executor.

The attesting witness as well as the Executor both stated that they were known to the Testator. The attesting witness deposed that the Will was duly executed by the Testator in his presence and he attested the Will in presence of the Testator and the other attesting witness. It was also deposed that the Testator was physically fit and mentally alert at the time of execution of the Will.

PW-2, the executor is the beneficiary. Although this is not a natural disposition of the specific property, the explanation is there in the Will itself. This apart, none came forward to oppose the instant probate proceeding.

From the unchallenged testimony of the witnesses, due execution of the Will by the testator in terms of Section 63 of the Indian Succession Act is proved.

Let the probate be granted.

Inventory and accounts shall be filed within six months from the date of grant of probate.

The instant application is accordingly disposed of.

(SUGATO MAJUMDAR, J.)