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ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY AND INTESTATE JURISDICTION
ORIGINAL SIDE

PLA/285/2024

IN THE GOODS OF:
AJIT KUMAR DATTA (DEC.)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: 3rd January, 2025.

Appearance:

Mr. Dwipraj Basu, Adv.

Mr. Kaushik De, Adv.

Ms. Mohini Majumdar, Adv.

Mr. Soumyajit Mondal, Adv.

Mr. Raghav Munshi, Adv.

...for the petitioner.

The Court : Mr. Dwipraj Basu, 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 15th November, 2019.

Counsel for the petitioner submits that the testator has appointed the petitioner as sole executor of his last Will and Testament. The testator died on 1st September, 2023 leaving behind three legal heirs i.e. wife, daughter and daughter-in-law.

Counsel for the petitioner submits that all the legal heirs have filed their affidavit of consent stating that they have no objection for grant of probate to the petitioner.

Counsel for the petitioner further submits that one of the attesting witnesses has also filed the affidavit stating that the testator has executed his last Will and Testament in her presence while possessing good health

and fit state of mind by appointing the petitioner as sole executor of his last Will and Testament. Counsel for the petitioner submits that the petitioner has proved the Will and is entitled to get the probate.

Considered the submissions made by the counsel for the petitioner. Perused the original Will, copy of the death certificate and affidavits submitted by all the legal heirs as well as attesting witness.

This Court finds that the all the three legal heirs in their affidavit of consent have categorically stated that they have no objection for grant of probate of the last Will and Testament to the petitioner. The attesting witness in her affidavit has categorically stated that the testator has executed his last Will and Testament in her presence and in the presence of another attesting witness 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.

Accordingly, the Department is directed to issue probate after completion of all formalities.

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

Accordingly, PLA/285/2024 is disposed of.

(KRISHNA RAO, J.)