

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

PLA/302/2024

IN THE GOODS OF SUMITA DAS, DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : 10<sup>th</sup> February, 2025.

Appearance:  
Mr. Lalratan Mandal, Adv.  
...for the petitioner

The Court: Mr. Lalratan Mandal, 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 27<sup>th</sup> January, 2015 executed by the Testatrix namely, Sumita Das, by appointing the petitioner as sole executrix of the last Will and Testament in presence of two attesting witnesses. Counsel for the petitioner submits that Testatrix had executed her last Will and Testament in presence of two attesting witnesses while possessing good health and fit state of mind. He submits that Testatrix died on 06<sup>th</sup> October, 2019 and the husband of the Testatrix died on 15<sup>th</sup> August, 2016. The Testatrix died leaving behind three legal heirs i.e. one daughter and two sons. The daughter is the petitioner before this Court who is the sole executrix of the last Will and Testament. Both the sons have filed their affidavits stating that they have no objection for grant of probate of the last Will and Testament to the petitioner. Out of two attesting witnesses, one attesting witness has filed his 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 executrix of her last Will and Testament.

Heard the Learned Counsel for the petitioner. Perused the original Will, death certificate of the testatrix, death certificate of the husband of the testatrix, no objection of both the sons and affidavit of attesting witness.

This Court finds that the attesting witness in his affidavit 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.

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 of the last Will and Testament 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/302/2024 is disposed of.

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

(KRISHNA RAO, J.)