

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

PLA/306/2024

IN THE GOODS OF:
SHIBADAS BANERJI (DEC.)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: 3rd January, 2025.

Appearance:
Mr. Dwipraj Basu, Adv.
Mr. Soumyajit Mondal, 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 8th April, 2009 executed by the testator Shibadas Banerji.

Counsel for the petitioner submits that the testator has executed his last Will and Testament by appointing the petitioner as the sole executor of his last Will in the presence of two attesting witnesses. The testator died on 15th February, 2023 and the wife of the testator was the pre-deceased to the testator who died on 12th April, 2008.

Counsel for the petitioner submits that the testator died leaving behind three legal heirs i.e. one son who is the petitioner herein and two daughters. Both the daughters have filed their affidavits of consent stating that they have no objection for grant of probate to the petitioner in terms of the Will.

Counsel for the petitioner submits that out of two attesting witnesses, one attesting witness namely, Sutanu Chakraborty has filed his affidavit stating that the testator has executed his last Will and Testament in his presence and in the presence of another attesting witness while possessing good health and fit state of mind by appointing the petitioner as the sole executor of his last Will.

Heard the learned counsel for the petitioner. Perused the original Will, death certificate of the testator, death certificate of the wife of the testator, affidavits of consent of both the daughters and the affidavit of the attesting witness.

This Court finds that the attesting witness in his affidavit has categorically stated that the testator has executed his last Will and Testament on 8th April, 2009 in his presence and in the presence of the another attesting witness while possessing good health and fit state of mind by appointing the petitioner as the sole executor of his last Will.

Considering the above, this Court finds that the petitioner has proved the Will and is entitled to get the probate of the last Will and Testament dated 8th April, 2009.

Accordingly, the Department is directed to issue probate to the petitioner of the Will dated 8th April, 2009 on completion of all the formalities.

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

Accordingly, PLA/306/2024 is disposed of.

(KRISHNA RAO, J.)