

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

PLA/191/2023

IN THE GOODS OF:
MITA KHAITAN (DEC.)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: 24th March, 2025.

Appearance:

Mr. Shailendra Jain, Adv.

Mr. Farhan Ghaffar, Adv.

...for the petitioner.

1. Mr. Shailendra Jain, learned counsel, is appearing for the petitioner.
2. The petitioner has filed the present application for grant of probate of the last Will and Testament dated 28th September, 2022 of the testatrix Mita Khaitan.
3. Counsel for the petitioner submits that the testatrix has executed her last Will and Testament in presence of two attesting witnesses by appointing the petitioner as sole executor of her last Will and Testament while possessing good health and fit state of mind.
4. Counsel for the petitioner further submits that the testatrix died on 3rd February, 2023 leaving behind three legal heirs i.e. her husband, son and daughter. Son is the petitioner before this Court who is the executor of the last Will and Testament dated 28th September, 2022.
5. The husband and daughter have submitted their affidavits of consent stating that they have no objection for grant of probate of the last Will and Testament to the petitioner.

6. The daughter is also one of the attesting witnesses of the Will. The daughter as well as another attesting witness of the Will have also filed their affidavits stating that the testatrix has executed her last Will and Testament in their presence while possessing good health and fit state of mind by appointing the petitioner as sole executor of her last Will and Testament dated 28th September, 2022.
7. Counsel for the petitioner submits that some of the properties were situated outside the State of West Bengal and accordingly, paper publications were made. But in spite of paper publication, none has come forward to raise any objection or to file any caveat or affidavit in support of the caveat. Accordingly, the Department has submitted no caveat certificate dated 7th March, 2025 stating that no caveat has been entered into.
8. Considering the above, this Court finds that the petitioner has proved the Will and is entitled to get the probate.
9. The Department is directed to grant probate to the petitioner of the last Will and Testament dated 28th September, 2022 of the testatrix Mita Khaitan on compliance of all formalities.
10. At the time of grant of probate, a copy of the Will be made as part of the probate.
11. The Department is also directed not to draw up and complete the order.
12. Thus, PLA No. 191 of 2023 is disposed of.

(KRISHNA RAO, J.)