

ORDER SHEET

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

PLA/200/2023

IN THE GOODS OF:
PURUSHOTTAM LAL AGARWAL, DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : 14th November, 2025.

Appearance :
Mr. Udaynarayan Betal, Adv.
...for the petitioner

1. The petitioner has filed the present application for grant of probate of the last Will and Testament dated 31st August, 2020, of the testator Purushottam Lal Agarwal. Petitioner says that the testator died on 22nd May, 2021, leaving behind four legal heirs i.e. his wife, one son and two daughters. The son Manish Agarwal is the petitioner before this Court who is the executor of the Will of the testator. The wife and the two daughters have also submitted their affidavit of consent stating that they have no objection for grant of probate of the last Will and Testament of the Will dated 31st August, 2020, to the petitioner. One of the attesting witness, namely, Gautam Chakraborty has filed an affidavit stating that the testator has executed his last Will and Testament in his presence and in presence of another attesting witness namely, Kedar Nath Agarwal on 31st August, 2020, while possessing good health and fit state of mind by appointing the petitioner as the sole executor of his last Will and Testament.

2. Counsel for the petitioner submits that as all the legal heirs have filed their affidavits giving consent for grant of probate and there is no other objection from any corner. He further submits that the attesting witness categorically stated in his affidavit that the testator has executed his 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 executor of the Will. He submits that the petitioner has proved the Will and he is entitled to get the probate.

3. Heard the learned counsel for the petitioner and perused the original Will, death certificate of the testator, affidavit of consent of the wife and two daughters and the affidavit of the attesting witness, namely, Gautam Chakraborty.

4. This Court finds that the petitioner has proved the Will and there is no circumstances to raise any suspicion for execution of the Will by the testator by appointing the petitioner as executor of his last Will and Testament.

5. Accordingly, the petitioner has proved the Will and entitled to get the probate.

6. The department is directed to issue probate to the petitioner of the last Will and Testament dated 31st August, 2020, on compliance of all formalities.

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

8. Accordingly, PLA/200/2023 is disposed of.
9. It is not necessary to draw up the order.

(KRISHNA RAO, J.)

S.De