

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

PLA/203/2023

IN THE GOODS OF:
RABINDRA SHEKHAR PRASAD, DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: 24th March, 2025.

Appearance:

Mr. Soumyajit Ghosh, Adv.

Mr. Kaushik Mondal, Adv.

Ms. Ajeyaa Chowdhury, Adv.

...for the petitioner.

1. Mr. Soumyajit Ghosh, learned counsel, is appearing for the petitioner.
2. The petitioner has filed the present application for grant of Letters of Administration with the copy of the Will dated 9th May, 2018 with respect of the properties and credits of the deceased.
3. Counsel for the petitioner submits that the testator has executed his last Will and Testament on 9th May, 2018, but the testator has not appointed any executor in the said Will.
4. The testator died on 4th August, 2021 leaving behind his wife, son and daughter and the wife is the petitioner before this Court. After the death of the testator, the son namely, Samir Prasad died on 21.11.2022. He was unmarried and there was no issue.
5. Counsel for the petitioner submits that the first wife of the testator was predeceased to him died on 17th June, 1973. The testator has executed his last Will and Testament in presence of two attesting witnesses out of whom one attesting witness has expired and another attesting witness namely Awanish Sinha has filed his affidavit stating

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.

6. Counsel for the petitioner further submits that some of the properties were situated outside the State of West Bengal. Accordingly, paper publications were made but none has come forward to raise any objection and to file caveat or affidavit in support of the caveat. The Department has also filed no caveat certificate stating that no caveat has been entered into.
7. Considered the submissions made by the counsel for the petitioner and perused the original Will, death certificate of the testator, death certificate of the son of the testator and affidavits of the daughter and attesting witness.
8. This Court finds that the daughter in her affidavit has categorically stated that she has no objection for grant of Letters of Administration to the estate of the deceased. The attesting witness in his affidavit has categorically stated that the testatrix has executed his last Will and Testament dated 9th May, 2018 in his presence and in presence of the another attesting witness while possessing good health and in a fit state of mind.
9. Considering the above, this Court finds that the petitioner has proved the Will and is entitled to get the Letters of Administration to the estate of the properties and credits of the deceased throughout the Union of India.
10. The Department is directed to issue the Letters of Administration to the petitioner upon furnishing a personal bond of Rs.30,00,000/- with two sureties.

11. At the time of grant of Letters of Administration, a copy of the Will be made as part of the Letters of Administration.
12. The Department is also directed not to draw up and complete the order.
13. Accordingly, PLA No. 203 of 2023 is disposed of.

(KRISHNA RAO, J.)