

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

PLA/205/2023
IN THE GOODS OF –
HARNARAYAN TAPARIA, DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: 27th January, 2025.

Appearance:
Mr. Souradeep Banerjee, Adv.
Mr. A. Agarwalla, Adv.
Mr. P. Gorain, Adv.
...for the petitioner.

The Court : Mr. Souradeep Banerjee, 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 1st May, 2016 of the testator Harnarayan Taparia.

Counsel for the petitioner submits that the testator has executed his last Will and Testament while possessing good health and fit state of mind by appointing his three daughters as joint executrixes of his last Will and Testament. He submits that the testator died on 5th March, 2023 leaving behind three daughters and his wife. His wife Rajdulharidevi Taparia has also filed her affidavit of consent stating that she has no objection for grant of probate to the executrixes.

Counsel for the petitioner submits that the Will was executed in presence of two attesting witnesses. Out of the two attesting witnesses, one attesting witness, namely, Shree Gopal Darak 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 three daughters as joint executrixes of his last Will and Testament.

Counsel for the petitioner submits that some of the properties situated outside the State of West Bengal. Accordingly, citations were issued but none has come forward to raise any objection by filing any affidavit.

Accordingly, the Department has submitted no caveat certificate stating that no caveat has been lodged.

Counsel for the petitioner submits that the petitioner has proved the Will and is entitled to get the probate.

This Court has considered the original Will, death certificate of the testator, affidavit of consent of the wife of the testator, affidavit of the attesting witness and no caveat certificate.

This Court finds that the attesting witness in his affidavit has categorically stated that the testator has executed his last Will and Testament by appointing his three daughters as joint executrixes of his last Will and Testament while possessing good health and fit state of mind. The citations were issued. No caveat has been filed and the Department has submitted the certificate stating that no caveat has been lodged.

Considering the above circumstances, this Court finds that the petitioner has proved the Will and is entitled to get the probate.

The Department is directed to issue probate of the last Will and Testament dated 1st May, 2016 to the petitioner upon compliance of all formalities.

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

Accordingly, PLA No. 205 of 2023 is disposed of.

(KRISHNA RAO, J.)

KB
AR (CR)