

OD-24

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

PLA/206/2023

IN THE GOODS OF SUSHIL CHANDRA
BHATTACHARJEE (DEC.)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: 24th January, 2025.

Appearance:
Mr. Sanjay Sharma, Adv.
Ms. Dipika Banu, Adv.
Mr. Subhadip Chakraborty, Adv.
...for the petitioner.

Ms. Dipika Banu, learned Senior Counsel, is appearing for the plaintiff.

The petitioner has filed an application for grant of probate of the last Will and Testament dated 6th April, 2007 of the testator Sushil Chandra Bhattacharjee. Counsel for the petitioner submits that the testator had executed his last Will and Testament while possessing good health and fit state of mind by appointing the petitioner as sole executor of his last Will and Testament.

Counsel for the petitioner submits that the testator died on 27th March, 2018 leaving behind four legal heirs but none has come forward either to give consent or to file caveat and affidavit in support of caveat. Counsel for

the petitioner submits that the citations were issued but in spite of receipt of citations none has come forward to raise objection for grant of probate.

Accordingly, the department has submitted 'no caveat certificate' wherein it reveals that no caveat has been entered against the grant of the probate of the last Will and Testament.

Counsel for the petitioner submits that the testator has executed the last Will and Testament in presence of two witnesses, one witness, namely, Gopal Verma has filed the affidavit of consent stating that the testator has executed the last Will and Testament while possessing the good health and fit state of mind by appointing the petitioner as sole executor. In the affidavit the attesting witness stated that he is also known as Sandeep Verma and accordingly the attesting witness is examined before this Court on 17th January, 2025. During his evidence on oath he has stated that he has put his signature as Gopal Verma, but his name is Sandeep Verma. He has explained that the Guruji has asked him to put his name as Gopal Verma as it is good for his luck and his business and accordingly, he has signed all the documents as Gopal Verma but in all the documents his name is appearing as Sandeep Verma.

Considering the evidence of the attesting witnesses, this Court finds that Gopal Verma is also known as Sandeep Verma and in the evidence he has categorically stated that his name is Sandeep Verma but he is putting his signature as Gopal Verma as per the advice of his Guruji for the purpose of his luck and his business.

Considered the submissions made by the Counsel for the petitioner. Perused the original Will and death certificate of the testator, no caveat certificate and the affidavit of attesting witness and the evidence of the attesting witness.

This Court finds that the petitioner has proved the Will and he is entitled to get the probate of the last Will and Testament.

Accordingly, the department to directed to issue probate of the last Will and Testament dated 6th April, 2007 on compliance all formalities. At the time of grant of probate copy of the Will be made as part of the probate.

The Office is directed no order can be drawn up.

(KRISHNA RAO, J.)

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