

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Testamentary and Intestate Jurisdiction
ORIGINAL SIDE

PLA/210/2023

IN THE GOODS OF:
JAI BHAGWAN GUPTA DECEASED

BEFORE :

The Hon'ble JUSTICE KRISHNA RAO

Date : 6th January, 2025.

Appearance:
Mr. Pawan Kumar Jajodia, Adv.
...for the petitioner.

The Court : Mr. Pawan Kumar Jajodia, learned Counsel, is appearing for the petitioner.

The petitioner has filed the present application for grant of probate of the last Will and Testament dated 27th January, 2013 executed by the testator, namely, Jai Bhagwan Gupta.

Counsel for the petitioner submits that the testator has executed his last Will and Testament by appointing the petitioner as sole executor while possessing good health and fit state of mind. Counsel for the petitioner submits that the testator died on 15th October, 2015 leaving behind his two sons and two daughters. He submits that wife of the testator was pre-deceased and the same is also recorded in the Will of the testator.

Counsel for the petitioner submits that all four legal heirs submitted their affidavit of consent stating that they have no objection for grant of probate.

Counsel for the petitioner submits that one of the attesting witness, namely, Bansi Nayak has also filed affidavit stating that the testator had executed his last Will and Testament in his presence and in presence another attesting witness by appointing the petitioner as sole executor by possessing good health and fit state of mind.

Heard learned Counsel for the petitioner. Perused the original Will, death certificate of the testator, affidavit of consent of all legal heirs and the affidavit of attesting witness.

This Court finds that all the legal heirs have categorically mentioned that in their affidavit that they have no objection for grant of probate to the petitioner of the last Will and Testament dated 27th January, 2013. The attesting witness in his affidavit has also stated that testator has executed his last Will and Testament in his presence and in presence of another attesting witness by appointing the petitioner as sole executor while possessing good health and fit state of mind. In the Will itself it is recorded that the wife of the testator was pre deceased to him.

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

Accordingly, the Department has directed to issue probate of the last Will and Testament dated 27th January, 2013 on completion of all formalities.

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

PLA/210/2023 is disposed of.

(KRISHNA RAO, J.)