

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Testamentary & Intestate Jurisdiction
ORIGINAL SIDE

PLA/228/2023

IN THE GOODS OF :
RAJANIKANTA PATRA, DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : January 7, 2025.

Appearance:

Mr. Kaushik Pradhan, Adv.
...for the petitioner

The Court: Mr. Kaushik Pradhan, 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 4th September, 2010 wherein the testator Rajanikanta Patra had appointed the petitioner as sole executor of his last Will and Testament.

Counsel for the petitioner submits that the testator had executed his last Will and Testament in presence of four attesting witnesses, out of which one attesting witness has filed his affidavit stating that the testator had executed his last Will and Testament in his presence and in presence of other attesting witnesses while possessing good health and fit state of mind by appointing the petitioner as sole executor. He submits that the testator died on 11th January, 2014 leaving behind his wife, four sons and one daughter. None of the legal heirs have either come forward for giving consent or filing caveat or affidavit in support of caveat. Accordingly, special citation and general citation were issued but none has come forward to object for grant of probate. Accordingly, the department has issued no

caveat certificate dated 6th November, 2024 stating that no caveat has entered against the grant of probate of the last Will and Testament.

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

Heard the learned counsel for the petitioner. Perused the original Will, death certificate of the testator, no caveat certificate submitted by the department and affidavit of attesting witness.

It is found that, after filing of the case, citations were issued but none has appeared for objecting the grant of probate. Accordingly, no caveat certificate has been issued by the department. One of the attesting witnesses has filed the affidavit stating that the testator has executed his last Will and Testament on 4th September, 2010 in his presence and in presence of other attesting witnesses while possessing good health and fit state of mind by appointing the petitioner as sole executor of his last Will and Testament.

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

Accordingly, the department is directed to issue probate to the petitioner of the last Will and Testament dated 4th September, 2010 on completion of all formalities.

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

PLA/228/2023 is disposed of.

(KRISHNA RAO, J.)