

OD-28

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

PLA/140/2015
IA NO: GA/2/2024
IN THE GOODS OF : SMT. PRATIMA BRAMACHARI
(DECEASED)

BEFORE:

The Hon'ble JUSTICE SUGATO MAJUMDAR

Date : 3rd November, 2025.

Appearance:

Mr. S. K. Sharma, Adv.
Ms. Dipika Banu, Adv.
Mr. Subhadip Chakraborty, Adv.
...for the plaintiff

The Court:- Heard argument.

This is an application praying for grant of probate of the last will and testament of the deceased Pratima Brahmachary.

The deceased was a Hindu, governed by Dayabhaga School of Hindu Law having her permanent place of abode at 26/5A, B.C. Road, Flat No.8, Kolkata-700019 and at the time of death, she was a resident of 52, Nandi Durg Road, Shanti Kiran Apartment, Flat No.B-1, Bangalore-46 in the State of Karnataka. The deceased breathed her last on 16.10.2009 at Hyderabad. Prior to her death, she executed her last will and testament on 10.10.2003 appointing the present petitioner as the Executor of the will. On death of the Testatrix, the petitioner being the Executor, filed an instant application for grant of probate, of the last will and testament of the deceased.

Citations were issued.

No caveat was filed. The proceeding became un-contentious. The will was to be proved in a solemn form.

The Executor himself and one of the attesting witnesses were examined. The original death certificate as well as the will are on record. The original death certificate and the will were exhibited and marked.

The attesting witness deposed that the will was executed in his presence and the Testatrix was known to him for long. He further stated that the Testatrix appeared to be physically fit and mentally sound at the time of execution of the Will. The Will was executed in presence of all the attesting witnesses. It was reiterated by the attesting witnesses, in course of examination in chief, that the testatrix was physically fit and mentally alert at the time of execution of the will. The petitioner in his deposition stated that Will was handed over to him by the son and the daughter of the Testatrix for making application for grant of probate.

On appreciation of evidence, this Court comes to the conclusion that due execution of the will in terms of Section 63 of the Indian Succession Act, has been proved and the petitioner is entitled to get probate of the last will and testament of the deceased dated 10.10.2003.

The instant application is allowed.

Let probate be granted. Inventory and accounts shall be filed within six months from grant of probate.

The instant application stands disposed of along with pending applications, if any.

(SUGATO MAJUMDAR, J.)