

ORDER SHEET

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

PLA/235/2023

IN THE GOODS OF :
TARAPADA BOSE ALIAS TARAPADA BASU, DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : January 6, 2025.

Appearance:
Mr. Avijit Dey, Adv.
... for the petitioner

The Court: Mr. Avijit Dey, learned advocate, is appearing for the petitioner.

The petitioner has filed the present application for grant of probate of the last Will and Testament of the testator Tarapada Bose @ Tarapada Basu dated 20th July, 1988 corresponding to 4th Shravan, 1395 BS.

Counsel for the petitioner submits that the testator had named his wife as the executrix but she died on 19th September, 2010 and as per the Will, the petitioner has now become the executor of the last Will and Testament.

Counsel for the petitioner submits that the testator died on 11th August, 2011 leaving behind three legal heirs i.e. two sons and one daughter, out of which, the petitioner is one of the legal heirs.

Counsel for the petitioner submits that the testator had executed his last Will and Testament in presence of two attesting witnesses but both

the attesting witnesses have passed away and the daughter, namely, Falguni Dutta, has filed her affidavit of consent as well as affidavit as an attending witness to the Will stating that her father had executed his last Will and Testament in her presence by appointing her mother as executrix and after the death of her mother, her brother has become the executor. She has also stated that her father had executed his last Will and Testament while possessing good health and fit state of mind.

Counsel for the petitioner submits that the other legal heirs have also filed affidavit of consent stating that they have no objection for grant of probate in favour of the petitioner.

Heard learned counsel for the petitioner. Perused the original Will as well as translated copy of the Will, death certificate of the testator, death certificate of the wife of the testator, affidavit of consent of the legal heirs and affidavit of the attending witness.

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

Accordingly, the department is directed to issue probate of the last Will and Testament dated 20th July, 1988 (4th Shravan, 1395 BS).

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

PLA/235/2023 is disposed of.

(KRISHNA RAO, J.)