

ORDER SHEET

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

PLA/252/2023

IN THE GOODS OF :
VATSALA ROY @ DR. VATSALA ROY, DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : March 11, 2025.

Appearance:
Mr. R. K. Khanna, Adv.
Ms. Moumita Dhar, Adv.
... for the petitioner

The Court: Mr. R. K. Khanna, 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 testatrix Vatsala Roy @ Dr. Vatsala Roy dated 1st October, 2012.

Counsel for the petitioner submits that the testatrix has executed her last Will and Testament in presence of two attesting witnesses while possessing good health and fit state of mind by appointing the petitioner as the sole executor of her last Will and Testament.

Counsel for the petitioner submits that the testatrix died on 21st February, 2021 leaving behind her husband who is the petitioner before this Court and one son, one sister and one brother. Counsel for the petitioner submits that all the legal heirs have filed affidavits of consent stating that they have no objection for grant of probate of the last Will and Testament to the petitioner.

Counsel for the petitioner submits that citations were issued but in spite of issuance of citations, none has come forward either to give consent or to file caveat or affidavit in support of caveat and accordingly, the department has submitted No Caveat Certificate on 1st March, 2025 stating that no caveat has been lodged for grant of probate to the petitioner.

Counsel for the petitioner submits that out of two attesting witnesses, one attesting witness, namely, Aruna Rai Quader has filed her affidavit stating the fact that the testatrix has executed her last Will in her presence and in presence of another attesting witness while possessing good health and fit state of mind by appointing petitioner as the sole executor of her last Will and Testament.

Considered the submission made by the counsel for the petitioner. Perused the original Will, death certificate of the testatrix, affidavits of consent of all the legal heirs, affidavit of attesting witness and No Caveat Certificate issued by the department.

This Court finds that the attesting witness in her affidavit has categorically stated that the testatrix has executed her last Will and Testament in her presence and in presence of another attesting witness while possessing good health and fit state of mind.

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

The department is directed to issue probate of the last Will and Testament dated 1st October, 2012 to the petitioner on completion of all formalities.

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

PLA/252/2023 is disposed of.

The department is directed not to draw and complete the order.

(KRISHNA RAO, J.)

RS