

ORDER SHEET

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

PLA/256/2023

IN THE GOODS OF :
ROBIN K JHAVERI (DEC.)

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date : 21st January, 2025.

Appearance:
Mr. Sutanu Karmakar, Adv.
...for the petitioner

The Court:- Mr. Sutanu Karmakar, 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 5th March, 2022 of the testator Robin K Jhaveri. The testator died on 4th April, 2022 leaving behind his wife and two daughters. The petitioner says that the testator has executed his last Will and Testament by appointing his wife as executrix of his last Will and in her absence his brother Mr. Ripul K Jhaveri.

The present application is filed by the first executrix that is the wife of the testator. Counsel for the petitioner submits that two daughters of the testator have filed their affidavits stating that they have no objection for grant of probate to the petitioner in terms of the Will. The petitioner further submits that two attesting witnesses have also filed their affidavit stating that the testator has executed his last Will and Testament by appointing the petitioner as executrix while possessing good health and fit state of mind.

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, affidavit of the legal heirs i.e. the daughters of the testator and affidavit of two attesting witnesses.

Considering the above this Court finds that both the daughters have filed their affidavit of consent stating that they have no objection for grant of probate. The attesting witnesses in their affidavit have categorically stated that the Will was executed by the testator in their presence while possessing good health and fit state of mind by appointing the petitioner as executrix.

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

The Department is directed to issue probate to the petitioner of the Will dated 5th March, 2022 upon compliance of all formalities. At the time grant of probate, a copy of the Will be made as part of the probate.

PLA/256/2023 is disposed of.

(KRISHNA RAO, J.)