

ORDER SHEET

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

PLA/363/2024

IN THE GOODS OF :
BIMALANANDA HALDER ALIAS HALDAR, DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : March 25, 2025.

Appearance:
Mr. Udaynarayan Betal, Adv.
... for the petitioner

1. Mr. Udaynarayan Betal, learned advocate, is appearing for the petitioner.

2. The petitioner has filed the present application for grant of probate of the last Will and Testament of the testator, Bimalananda Halder @ Haldar dated 26th March, 2008.

3. Counsel for the petitioner submits that the testator has executed his last Will and Testament in presence of three attesting witnesses while possessing good health and fit state of mind by appointing the petitioner as the sole executor of his last Will and Testament. The testator died on 30th January, 2013 leaving behind his three sons, out of which one son is the petitioner before this Court. The wife of the testator was predeceased to the testator who died on 15th January, 2006.

4. Counsel for the petitioner submits that the two legal heirs have given their affidavits of consent stating that they have no objection for grant of probate to the petitioner. Out of three attesting witnesses, one witness,

namely, Rabindra Modak has filed his affidavit stating that the testator has 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 the sole executor of his last Will and Testament.

5. Considered the submission made by the counsel for the petitioner. Perused the original Will, death certificate of the testator, affidavits of consent of both the legal heirs and affidavit of attesting witness.

6. This Court finds that the Will is of 2008 and the testator died in the year 2013 but the petitioner has filed the present application in the month of September, 2024. The petitioner has explained the delay in filing the present application in paragraph 2 stating the fact that after the death of the testator, the Will could not be found and only in the first week of July, 2024, the petitioner has got the Will and accordingly, the petitioner has filed the present application.

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

8. The department is directed to issue probate of the last Will and Testament dated 26th March, 2008 to the petitioner on completion of all formalities.

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

10. PLA/363/2024 is disposed of.

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

(KRISHNA RAO, J.)

RS