

OD-25

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY AND INTESTATE JURISDICTION
ORIGINAL SIDE

PLA/259/2023
IN THE GOODS OF RAJAT BASU ROY ALIAS RAY (DEC.)

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date: 24th January, 2025.

Appearance:
Mr. Uday Narayan Betal, Adv.
...for the petitioner

The Court: Mr. Uday Narayan Betal, learned Counsel, is appearing for the petitioner.

Petitioner has filed the present application for grant of probate of the last Will and Testament dated 25th March, 2015 of the testator Rajat Basu Roy alias Ray. Counsel for the petitioner submits that the testator has executed the his last Will and Testament by appointing the petitioner as sole executrix of the last Will and Testament by possessing good health and fit state of mind in presence of two attesting witnesses. The testator died on 4th February 2022 leaving behind his wife, daughter and son. The petitioner submits that as neither of the legal heirs has come forward to give affidavit of consent nor have filed their caveat and affidavit in support of caveat, accordingly, citations were issued. He submits that in spite of the issuance of citations none has come forward to raise any objection for grant of probate and accordingly, the department has submitted no caveat certificate dated 20th January, 2025

stating that no caveat has been entered for grant of probate. The petitioner submits that out of the two attesting witnesses, one attesting witness namely, Mr. Milan Kr. Aich alias Milan Kumar Aich, has filed his affidavit stating that the testator has executed his last Will and Testament in his presence and in presence of the another witnesses while possessing good health and fit state of mind by appointing the petitioner as sole executor of the last Will and Testament.

Heard learned Counsel for the petitioner and perused the original Will, no caveat certificate submitted by the department, affidavit of attesting witness. This Court finds that the petitioner has proved the Will and entitled to get the probate.

Accordingly, the department is directed to issue probate to the petitioner of the last Will and Testament dated 25th March, 2015 on compliance all formalities. At the time of grant of probate a copy of the Will be made as part of the probate.

The Office is directed no order can be drawn up.

(KRISHNA RAO, J.)