

PLA/399/2024
IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY AND INTESTATE JURISDICTION

IN THE GOODS OF:
AJIT KUMAR GUPTA, DECEASED

BEFORE:
The Hon'ble JUSTICE ARINDAM MUKHERJEE
Date: 27th November, 2025

Appearance:
Ms. Richa Raman, Adv.
For the petitioner.

The Court :- This is an application for grant of probate of the last Will and Testament dated 17th February, 2001 left behind by the above named deceased.

The testator died on 11th September, 2007 leaving behind a hollowgraphic Will dated 17th February, 2001. In the said Will the testator had bequeathed a portion of his immovable property situated at 10 Abdul Rasul Avenue, Kolkata-700 026 to his wife Latika Gupta and upon her death the right of residence for life to his daughter Nivedita Mallik who died intestate on 22nd October, 2022. Nivedita Mallik had no issue and as such the life interest, if any, came to an end on her death. The husband of Nivedita Mallik though is entitled to inherit her estate in view of the provision of Section 15 of Hindu Succession Act, 1956, but the life interest having come to an end with the death of Nivedita, the husband of Nivedita is entitled to no interest in the said property. The Will also provides for devolution of the said portion to the two sons of the testator on the death of Nivedita Mallik. The two sons are the joint

executors and as such the question of citing the husband of Nivedita Mallik also does not arise.

In facts and circumstances of the case, the Will having been proved in common form by the affidavit of the attesting witness and after considering the view of the department upon complete scrutiny, the application for grant of probate is allowed by granting order in terms of prayer (a) of the petition.

The petition for grant of probate stands disposed of, accordingly.

(ARINDAM MUKHERJEE, J.)