

ORDER SHEET

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

PLA/312/2023

IN THR GOODS OF :
RADHA DEVI CHOUDHURY (DECEASED)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: February 5, 2025.

Appearance:

Ms. Sanjukta Ray, Adv.

Ms. Rituparna Chatterjee, Adv.

Ms. Khushboo Chaudhury, Adv.

...for the petitioner

The Court: Ms. Sanjukta Ray, learned Counsel, is appearing for the petitioner.

The petitioner has filed the present application for grant of probate of the last Will and Testament dated 4th November, 2015 of the testatrix, namely, Radha Devi Choudhury.

Counsel for the petitioner submits that testatrix has executed her last Will and Testament on 4th November, 2015 by appointing the petitioner as sole executor of her last Will and Testament. She submits that testatrix has died on 26th July, 2022 and the husband of the testatrix was pre-deceased who died on 31st January, 2016. The testatrix died leaving behind five legal heirs i.e. one son, the petitioner herein and four married daughters. All the legal heirs have filed their affidavit of consent stating that they have no objection for grant of probate of the last Will and Testament to the petitioner.

One of the attesting witnesses, namely, Samar Chakraborty has also filed his affidavit stating that the testatrix has executed her last Will and Testament on 4th November, 2015 in his presence and in presence another attesting witness while possessing good health and fit state of mind by appointing the petitioner as sole executor of her last Will and Testament.

Heard learned Counsel for the petitioner. Perused the original Will, death certificate of the testatrix, death certificate of husband of the testatrix, affidavit of consent of all daughters (sisters of the petitioner) and affidavit of the attesting witness.

This Court finds that all the legal heirs of the testatrix have submitted affidavits stating that they have no objection for grant of probate of the petitioner. The attesting witness in his affidavit has categorically stated that the testatrix has executed her last Will and Testament in his presence and in presence of another attesting witness while possessing good health and fit state of mind by appointing the petitioner as sole executor of her last Will.

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

Accordingly, the department is directed to issue probate to the petitioner upon completion of all formalities.

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

PLA/312/2023 is disposed of.

(KRISHNA RAO, J.)