

PLA/329/2023  
IN THE HIGH COURT AT CALCUTTA  
TESTAMENTARY AND INTESTATE JURISDICTION

IN THE GOODS OF:  
RATNASHRI KHAN NEE DAS, DECEASED

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 13<sup>th</sup> November, 2025

Appearance:  
Mr. Samit Rudra, Adv.  
Ms. Moumita Dhar, Adv.  
For the petitioner.

The Court :- The testatrix as per declaration in her Will inherited 1/3<sup>rd</sup> share in the properties and assets left behind by her father. The testatrix died issueless and her husband predeceased her. As per the provisions of Sections 15 and 16 of the Hindu Succession Act, 1956 a property inherited by the female from her father will devolve on the heirs of her father and not on the heirs of her husband. The mother of the testatrix is the executrix while the brother is the beneficiary. They will also be the heirs-in-intestacy with regard to the property inherited by the testatrix from her father. The mother being the executrix and the brother having consented to the grant, there is no objection from the side of the heirs in intestacy of the testatrix. The Will has been proved in common form by the affidavit of the attesting witnesses.

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.)