

ORDER SHEET

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

PLA/467/2021

IN THE GOODS OF:
DILIP SENGUPTA, DECEASED

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date: January 22, 2025.

Appearance:
Mr. P.S. Mullick, Adv.
Mr. Bikash Kumar Singh, Adv.
... for the petitioner

The Court: Mr. P.S. Mullick, learned counsel, is appearing for the petitioner.

The petitioner has filed the present application for grant of Letters of Administration of the last Will and Testament dated 16th March, 2010 of the Testator, Dilip Sengupta. Counsel for the petitioner submits that the Testator has executed his last Will by appointing his brother-in-law, namely, Sunil Ranjan Dasgupta as the sole executor of his last Will but unfortunately the executor also died on 4th February, 2021 before applying for grant of probate and as such the petitioner being the wife of the Testator has filed the present application for grant of Letters of Administration.

Counsel for the petitioner submits that the Testator died on 9th March, 2018 leaving behind his wife and two daughters. The wife is the petitioner before this Court and two daughters have filed their affidavit of consent.

Counsel for the petitioner submits that the Testator had executed his last Will and Testament in presence of two attesting witnesses but unfortunately the whereabouts of the two attesting witnesses could not be ascertained and the petitioner has made paper publication for the purpose of

appearance of the attesting witness before this Court but in spite of publication made by the petitioner, none of the attesting witnesses has come forward and thus to prove the Will, the petitioner has examined one attesting witness, namely, Sanjoy Sengupta who is the grandson of the testator.

Counsel for the petitioner submits that as per the evidence of the attending witness, he has categorically mentioned in his evidence that the testator had executed his last Will and Testament in his presence and the said attending witness also identified the signature of the testator and the signature of the testator in the said Will is marked as Exhibit-A.

Counsel for the petitioner submits that the petitioner has proved the Will and is entitled to get Letters of Administration.

Heard learned counsel for the petitioner. Perused the original Will, Death certificate of the testator, Death certificate of the executor, Affidavit of consent of the daughters of the testator and the evidence of the attending witness.

This Court finds that the petitioner has proved the Will and is entitled to get Letters of Administration of the last Will and Testament dated 16th March, 2010.

The department is directed to issue Letters of Administration to the petitioner upon furnishing bond of Rs. 3 lakhs with one surety upon compliance of all formalities.

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

PLA/467/2021 is disposed of.

(KRISHNA RAO, J.)