

ORDER SHEET

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

PLA/391/2022

IN THE GOODS OF:
DURGA BHOWMICK @ DURGA CH. BHOWMICK (DEC)

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date: January 10, 2025.

Appearance:
Mr. Somnath Saha, Adv.
...for the petitioner

The Court: Mr. Somnath Saha, learned counsel, is appearing for the petitioner.

The petitioner has filed the present application for grant of probate of the last Will and Testament of the Testatrix, Durga Bhowmick alias Durga Ch. Bhowmick dated 1st October, 2019.

Counsel for the petitioner submits that the testatrix was unmarried and she died leaving behind no legal heirs. He submits that the testatrix had executed her last Will and Testament in presence of two attesting witnesses by appointing the petitioner as a sole executrix of her last Will while possessing good health and fit state of mind.

Counsel for the petitioner submits that citations were issued but in spite of the citations none has come forward to object for grant of probate and accordingly, the department has submitted no caveat certificate dated 2nd December, 2024 stating that no caveat has been entered against the grant of probate of the last Will and Testament.

Counsel for the petitioner submits that both the attesting witnesses have filed their affidavits stating that the testatrix had executed

her last Will and Testament in their presence by appointing the petitioner as sole executrix while possessing good health and fit state of mind. Counsel for the petitioner submits that testatrix died on 10th October, 2020.

Heard the learned Counsel for the petitioner. Perused the Original Will, Original death certificate, Original affidavit of the attesting witnesses and no caveat certificate issued by the department.

This Court finds that in spite of issuance of citation none has come forward to object for grant of probate. To prove the Will, both the attesting witnesses have filed their affidavits stating that testatrix had executed her last Will and Testament in their presence by appointing the petitioner as sole executrix while possessing good health and fit state of mind.

Considered the above, this Court finds that the petitioner has proved the Will and is entitled to get the probate of last Will and Testament dated 1st October, 2019.

The department is directed to issue probate to the petitioner after compliance of all formalities. At the time grant of probate, the copy of the Will be made as part of the probate.

PLA/391/2022 is disposed of.

(KRISHNA RAO, J.)