

ORDER SHEET

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

PLA/345/2023

IN THE GOODS OF :
RABINDRA NATH BOSE, DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : January 6, 2025.

Appearance:

Mr. Kaushik Pradhan, Adv.

... for the petitioner

The Court: Mr. Kaushik Pradhan, learned advocate, is appearing for the petitioner.

The petitioner has filed the present application for grant of probate of the last Will and Testament dated 28th March, 2005.

The testator died on 9th October, 2018. In the Will the testator had stated that his wife has already expired and he has no issue.

Counsel for the petitioner submits that special citation as well as general citation was issued but none has appeared or filed any caveat or affidavit in support of caveat.

Counsel for the petitioner submits that the department has submitted no caveat certificate certifying that no caveat is entered against for grant of probate of the last Will and Testament. One of the attesting witnesses, namely, Jayanta Kumar Samal has filed affidavit stating that the testator had executed his last Will on 28th March, 2005 in his presence and in

presence of the other attesting witness while possessing good health and fit state of mind by appointing the petitioner as the sole executor.

Heard learned counsel for the petitioner. Perused the original Will, death certificate of the testator, no caveat certificate issued by the department and the affidavit of attesting witness.

It is found that the attesting witness in his affidavit has categorically stated that the testator had executed his last Will and Testament in his presence and in presence of other attesting witness by appointing the petitioner as the sole executor while possessing good health and fit state of mind. The certificate issued by the department shows that no caveat has been lodged.

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

Accordingly, the department is directed to issue probate of the last Will and Testament dated 28th March, 2005 on compliance of all formalities.

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

PLA/345/2023 is disposed of.

(KRISHNA RAO, J.)