

OD-52

ORDER SHEET

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

PLA/360/2023

IN THE GOODS OF:
KAMAL KUMARI DUDHERIA, DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : 14th January, 2025.

Appearance:

Mr. Soumyajit Mondal, Adv.

Mr. Dwip Raj Basu, Adv.

...for the petitioner

The Court: Mr. Soumyajit Mondal, 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 7th October, 2013 of the testatrix, namely, Kamal Kumari Dudheria.

Counsel for the petitioner submits that the testatrix had no issue and her husband was pre-deceased who died sometime in the year 1993. The testatrix died on 11th December, 2023. Counsel for the petitioner submits that citations were issued but none has come forward either to file affidavit of consent or to raise objection for grant of probate. The department has provided no caveat certificate dated 16th December, 2024 wherein it is certified that no caveat has been entered against the grant of probate of the last Will and

Testament. Counsel for the petitioner submits that out of the two attesting witnesses of the Will, one of the attesting witnesses, namely, Sri Kishore Kumar Sethia, has filed his affidavit stating that the testatrix had 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 executor of her last Will and Testament.

Heard the counsel for the petitioner. Perused the original Will, death certificate of the testatrix, no caveat certificate and the affidavit of the attesting witness.

This Court finds that citations were issued but none has come forward to raise any objection for grant of probate. The attesting witness has categorically stated in his affidavit that the testatrix had executed her last Will and Testament on 7th October, 2013 by appointing the petitioner as sole executor while possessing good health and fit state of mind.

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

The department is directed to issue probate to the petitioner on compliance of all formalities.

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

PLA/360/2023 is disposed of.

(KRISHNA RAO, J.)