

ORDER SHEET

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

PLA/476/2024

IN THE GOODS OF:
KEDAR NATH DEY (DEC.)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : 24th March, 2025.

Appearance:

Mr. Udaynarayan Betal, Adv.

...for the petitioner

1. Mr. Udaynarayan Betal, learned Advocate, is appearing for the petitioner.
2. The petitioner has filed the present application for grant of probate of the last Will and Testament dated 1st September, 2020 of the testator Shri. Kedar Nath Dey.
3. Counsel for the petitioner submits that the testator has executed his last Will and Testament in presence of six attesting witnesses by appointing the petitioner as sole executor of his last Will and Testament while possessing good health and fit state of mind.
4. The testator had died on 5th October, 2020 leaving behind his four legal heirs i.e. wife, two sons and one daughter. All the legal heirs have submitted their affidavit of consent stating that they have no objection for grant of probate of the last Will and Testament of the testator to the petitioner. All the legal heirs also the attesting witnesses of the said Will out of which one of the son, namely, Suman Kumar Dey, who is also the attesting witness has filed the

affidavit stating that the testator has executed his last Will and Testament on 1st September, 2020 in presence of all the legal heirs by appointing the petitioner as sole executor of his last Will and Testament while possessing good health and fit state of mind.

5. Considered the submission made by the Counsel for the petitioner, perused the original Will, death certificate of the testator, affidavit of consent of all the legal heirs and the affidavit of the attesting witnesses.
6. This Court finds that all the legal heirs have categorically stated that they have no objection for grant of probate of the last Will and Testament and the attesting witness has also stated that the testator has executed his last Will and Testament in his presence and in presence of other attesting witnesses while possessing good health and fit state of mind by appointing the petitioner as sole executor.
7. Considering the above this Court finds that the petitioner has proved the Will and entitled to get the probate.
8. The Department is directed to issue probate to the petitioner of the last Will and Testament dated 1st September, 2020 on compliance of all formalities at the time of grant of probate, copy of the Will made part of the probate.
9. The Department is directed not to draw up and complete the order.

(KRISHNA RAO, J.)