

ORDER SHEET

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

PLA/416/2023
IN THE GOODS OF :
ARUN KUMAR HIRJEE, DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: June 20, 2025.

Appearance:

Mr. Sankarshan Sarkar, Adv.

Mr. Tanmoy Sett, Adv.

Ms. Sucheta Das, Adv.

... for the petitioner

1. Mr. Sankarshan Sarkar, Learned Counsel, is appearing for the petitioner.
2. Petitioner has filed the present application for grant of probate of the last Will and Testament dated 29th August, 2015 of the Testator, Arun Kumar Hirjee who died on 28th June, 2023 leaving behind three legal heirs, namely, Smt. Devyani Hirjee, wife of the deceased, Smt. Sandhya Atul Asher, daughter of the deceased and Sri Sanjay Hirjee, son of the deceased testator.
3. All the three legal heirs have filed their respective affidavits of consent stating that they have no objection for grant of probate of the last Will and Testament of the testator to the petitioner.
4. The Will was executed in presence of two attesting witness, namely, Hemant Kumar Ved and Sudhir K. Mooljee. Out of two witness one attesting namely, Hemant Kumar Ved has filed the affidavit stating that the Testator has executed his last Will and Testament in his presence and in presence of other witness while possession good

health and fit state of mind by appointing the petitioner as the sole executor of his last Will and Testament.

5. Counsel for the petitioner submits that the legal heirs have filed affidavit of consent and one of the attesting witness in his affidavit has categorically stated that the testator has executed the 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 the sole executor of the last Will and Testament and accordingly, the petitioner is entitled to grant of probate.
6. Heard learned Counsel for the petitioner. Perused the Original Will dated 29th August, 2015, death certificate of the Testator, affidavit of consent of the legal heirs and affidavit of attesting witness.
7. This Court finds that the petitioner has proved the Will and is entitled to get the probate of the last Will and Testament dated 29th August, 2015.
8. The department is directed to issue probate to the petitioner on compliance of formalities.
9. At the time of grant of probate, the copy of the Will be made as part of the decree.
10. PLA/416/2023 is disposed off.
11. Counsel for the petitioner informed this Court that the beneficiary is aged about 85 years and prays for direction upon the department to expedite the matter for issuance of grant of probate.

12. In view of the above, the department is directed to issue probate as early as possible upon compliance of all formalities by the petitioner.

(KRISHNA RAO, J.)

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