

ORDER SHEET

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

PLA/420/2023

IN THE GOODS OF:
APURBA MAULIK ALIAS APURBA KUMAR MAULIK, DECEASED

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date: January 17, 2025.

Appearance:
Mr. Biswadip Ghosh, Adv.
...for the petitioner

The Court: Mr. Biswadip Ghosh, learned counsel, is appearing for the petitioner.

The petitioner has filed the present application for grant of Letters of Administration of the last Will and Testament of the Testator Apurba Kumar Maulik dated 22nd September, 2011.

Counsel for the petitioner submits that the testator died leaving behind his wife and one daughter but after the death of the testator, the wife has also expired. Counsel for the petitioner submits that though the daughter has not given affidavit of consent before filing of the present application for grant of Letters of Administration but subsequent to filing of the application and issuance of citation, the daughter has given her consent stating that she has no objection for grant of Letters of Administration to the petitioner with respect of the last Will and Testament dated 22nd September, 2011.

Counsel for the petitioner submits that citations were also issued but no one has come forward to raise any objection for grant of Letters of Administration to the petitioner.

The department has also submitted No Caveat Certificate dated 19th November, 2024 wherein it is mentioned no caveat is lodged against the grant of Letters of Administration.

The petitioner further submits that one of the attesting witnesses of the Will has also filed his affidavit stating that the testator has executed his last Will and Testament in his presence and in presence of another attesting witness while possessing good health and fit state of mind.

Heard the learned Counsel by the petitioner. Perused the original Will, death certificate of the testator and death certificate of wife of testator, affidavit of consent of the daughter, affidavit of the attesting witness and No Caveat Certificate submitted by the department.

This Court finds that the petitioner has proved the Will and is entitled to get the Letters of Administration of last Will and Testament dated 22nd September, 2011.

Considering the above, this Court finds that the petitioner is entitled to get the Letters of Administration of the last Will and Testament dated 22nd November, 2011.

The office is directed to issue Letters of Administration to the petitioner subject to furnishing bond of Rs. 5,00,000/- with two sureties (Rs. 2,50,000/- each) on compliance of all formalities.

At the time of grant of Letters of Administration, the copy of the Will be made as part of the Letters of Administration.

PLA/420/2023 is disposed of.

(KRISHNA RAO, J.)