

OD-55

ORDER SHEET

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

PLA/422/2023

IN THE GOODS OF:  
RAM NIWAS GATTANI, DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : 14<sup>th</sup> January, 2025.

Appearance:

Mr. Avijit Dey, Adv.  
...for the petitioner

The Court: Mr. Avijit Dey, 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 24<sup>th</sup> February, 2023 of the testator, namely, Ram Niwas Gattani.

Counsel for the petitioner submits that the petitioner has executed his last Will and Testament by appointing the petitioner being the eldest daughter as sole executrix of his last Will and Testament. Counsel for the petitioner submits that the testator died on 16<sup>th</sup> May, 2023 leaving behind his wife, two sons and two daughters out of which the petitioner is one of the daughters. Counsel for the petitioner submits that all the legal heirs have filed their affidavit of consent stating that they have no objection for grant of probate of the Will. The petitioner further submits that out of the three attesting

witnesses, one of the attesting witnesses, namely, Naresh Kumar Agarwal, has filed his affidavit stating that the testator had 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 executrix of his last Will and Testament.

Heard 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 witness.

This Court finds that all the legal heirs have submitted their no objection for grant of probate and attesting witness has categorically stated that the testator had executed his last Will and Testament in his presence and in presence of the other attesting witnesses while possessing good health and fit state of mind by appointing the petitioner as the sole executrix.

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/422/2023 is disposed of.

(KRISHNA RAO, J.)