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

PLA/430/2023
IN THE GOODS OF –
CHINTAMUNI DASİ ALİAS CHİNTAMANI DASİ, DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: 27th January, 2025.

Appearance:
Mr. Lal Ratan Mondal, Adv.
...for the petitioner.

The Court : Mr. Lal Ratan Mondal, learned Advocate, is appearing for the petitioner.

The petitioner has filed the present application for grant of probate of the last Will and Testament dated 14th November, 2019 of the testatrix Chintamuni Dasi alias Chintamani Dasi.

Counsel for the petitioner submits that the testatrix has executed her last Will and Testament while possessing good health and fit state of mind by appointing the petitioner as sole executor of her last Will and Testament. The testatrix died on 15th January, 2020 and her husband died on 19th May, 2023. The testatrix died leaving behind ten legal heirs. Out of ten legal heirs, five legal heirs have submitted their no objection for grant of probate and other legal heirs have neither given any no objection, nor have filed their caveats or affidavit in support of the caveat. He submits that citations were issued but in spite of issuance of citations, none has come forward to raise any objection and accordingly, the Department has submitted no

caveat certificate on 7th December, 2024 certifying that no caveat has been lodged for grant of probate.

The petitioner submits that the testatrix has executed her last Will and Testament in presence of two attesting witnesses. Out of two attesting witnesses, one attesting witness, namely, Gourhari Maity has filed his affidavit stating that the testatrix has 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 sole executor of her last Will and Testament.

Counsel for the petitioner submits that the petitioner has proved the Will and is entitled to get the probate.

Heard learned counsel for the petitioner and perused the original Will, death certificate of the testatrix, death certificate of the husband of the testatrix, affidavits of consent of the legal heirs, no caveat certificate issued by the Department and the affidavit of attesting witness.

From the report of the Department, it is found that no caveat has been lodged for grant of probate and the attesting witness has categorically stated that the testatrix has executed her last Will and Testament in his presence and in presence of the another attesting witness while possessing good health and fit state of mind by appointing the petitioner as sole executor.

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

Accordingly, the Department is directed to issue probate of the last Will and Testament dated 14th November, 2019 on completion of all formalities.

Accordingly, PLA No. 430 of 2023 is disposed of.

(KRISHNA RAO, J.)

KB
AR (CR)