

PLA/432/2023
IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY AND INTESTATE JURISDICTION

IN THE GOODS OF:
ALAKANANDA SETT, DECEASED

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 8th May, 2025

Appearance:
Mr. Mukul Lahiri, Adv.
Mr. Prasenjit Burman, Adv.
Mr. Sumitra Das, Adv.

The Court :-In this application probate has been sought for in connection with the last Will and Testament dated 21st February, 2023 said to have been left behind by the deceased above named. Under the said Will the properties and assets have been bequeathed by the deceased (testatrix) in favour of her daughter Anandi Sett who was at the time of making the Will and still is a minor.

In the aforesaid facts and circumstances, to protect the interest of the minor as observed by this Court, the joint executors have given an undertaking through an affidavit affirmed on 6th May, 2025 to the extent that none of them shall alienate, transfer or sell any of the properties and assets, both movable and immovable, covered by the affidavit of assets affirmed on 19th July, 2023 and filed in the instant proceedings. So far as the grant is concerned, the undertaking of the joint executors will suffice the purpose. However, after the assent pursuant to the ground when the joint executors shall stand

discharged, the property of the minor if she remains so on the date of assent is also required to be protected as the assent on behalf of her will be accepted by her father Pradip Kumar Biswas.

The affidavit of undertaking on behalf of the joint executors is taken on record.

The executors, therefore, in the deed of assent if the beneficiary (Anandi Sett) remains to be minor at that time shall grant the same in favour of the guardian of the minor with a note that the assent in favour of the guardian on behalf of the minor shall not permit the guardian to deal with dispose of, alienate, encumber any of the properties and assets mentioned in the affidavit of assets affirmed on 19th July, 2023 and filed in this proceedings till the beneficiary (Anandi Sett) attains majority. There is no other embargo in granting the probate since the person being the husband of the deceased and the minor daughter on being cited has not filed any testamentary caveat and there is a certificate to that effect issued by the Department.

Considering the view of the department upon complete scrutiny, the application for grant of probate is allowed as the Will has been proved in common form by the affidavit of the attesting witness by granting order in terms of prayer (a) of the petition.

The petition for grant of probate stands disposed of, accordingly.

(ARINDAM MUKHERJEE, J.)