

OD-4

ORDER SHEET

PLA/447/2023
IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY & INTESTATE JURISDICTION

IN THE GOODS OF :
SHRI GOURPADA CHAKRABORTY, DECEASED

BEFORE:
The Hon'ble JUSTICE ARINDAM MUKHERJEE
Date: 19th December, 2025.

Ms. Sormi Dutta, Ms. Sanhita Saha, Advocates
for the petitioner.

The Court : The attending witness has been fully examined in chief. No one has appeared to cross-examine him though the attending witness had been in the witness box for two days.

The Will was directed to be proved in solemn form as the two attesting witnesses to the Will did not appear before the Court to prove the same despite of having received the notice at their last known addresses. The attending witness has deposed that he had accompanied the testator to the registration office where the Will was executed. The testator in relation, was the father-in-law of the attending witness. It is not unnatural that the father in law will call his son-in-law at the time of execution of a document like the Will or its registration in view of the relationship. The attending witness has deposed that he has seen the testator affixing his signature first in the presence of the attesting witnesses and each of the attesting witnesses had signed in the presence of each and other and in the presence

of the testator. All the signatures were according to the attending witness affixed at the registration office. The attending witness was present all along with the testator and had seen him and the attesting witnesses signed in presence of each other. The attending witness has identified the signatures of the testator, the attesting witnesses and have proved the Will. The attending witness has also filed an affidavit. He has also proved the said affidavit by identifying his signature thereon. The signature of the attending witness also appears on the reverse of the first page which was put in the course of registration. This also proves his presence during the registration. The Will as appears from the first page of the document is dated 26th June, 2008. It also appears from the seal and signature of the registering authority that the said document was presented and registered on 26th June, 2008. This also proves the fact that the testator was of sound mental state and had in free will and volition executed the document and had presented the same for execution on the same date before the registering authority. The date also proves that the execution of the document has taken place on 26th June, 2008. It also appears from the deposition of the attending witness that the Will apart from being a registered document is also not tainted with any suspicious circumstances.

After considering the deposition of the attending witness as a whole it is clear that the attending witness has proved the Will along with the signatures and official endorsements made in the said Will.

In the aforesaid facts and circumstances, probate of the Will is granted to the executor being the applicant in PLA 447 of 2023. The department is directed to issue the grant as expeditiously as possible.

The application being PLA 447 of 2023 stands disposed of.

(ARINDAM MUKHERJEE, J.)

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