

ORDER SHEET

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

PLA/452/2023

IN THE GOODS OF :
MOHAMMAD ISMAIL, DECEASED

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date : January 15, 2025.

Appearance:
Mr. Swarnendu Ghosh, Sr. Adv.
Mr. Pawan Kumar Jojadia, Adv.
... for the petitioner.

The Court: Mr. Swarnendu Ghosh, learned Senior Counsel, is appearing for the petitioner.

The petitioner has filed the present application for grant of probate of the last Will and Testament dated 24th March, 2023 of the testator, namely, Mohammad Ismail.

Counsel for the petitioner submits that the testator has appointed the petitioner as the sole executor of the last Will and Testament. The petitioner submits that the testator died on 17th May, 2023 leaving behind his wife, two sons and one daughter. Out of two sons, one of the son is the petitioner herein who is the executor of the last Will and Testament.

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. Counsel for the petitioner submits that one of the attesting witness, namely, Mahmmud Alam has also filed affidavit stating that the testator has executed his 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 a sole executor.

Heard the learned Counsel for the petitioner. Perused the original Will, death certificate of the testator, affidavit of consent of all legal heirs and the affidavit of the attesting witness.

This Court finds that all legal heirs have given their specific consent stating that they have no objection for grant of probate of the Will to the petitioner. The attesting witness also stated in his affidavit that the testator has executed his last Will and Testament in his presence and in presence of another attesting witness by appointing the petitioner as the sole executor of his last Will and Testament while possessing good health and fit state of mind.

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

Accordingly, 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 as part of the probate.

PLA/452/2023 is disposed of.

(KRISHNA RAO, J.)