

OD-80

ORDER SHEET

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

PLA/455/2023

IN THE GOODS OF :
KRISHNANANDA DE, DECEASED

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

Appearance:
Mr. Kaushik Pradhan, Adv.
...for petitioner

The Court: Mr. Kaushik Pradhan, learned Counsel, is appearing for the petitioner.

Petitioner has filed the present application for grant of probate of the last Will and Testament dated 3rd October, 2008 of the testator Krishnananda De.

Counsel for the petitioner submits that the testator has appointed the petitioner as the sole executor of his last Will and Testament. The testator died on 31st March, 2021 leaving behind his four daughters. Counsel for the petitioner submits that the wife of the testator was pre-deceased to the testator. The petitioner submits that all the legal heirs have filed their affidavit of consent and one of the attesting witness also filed the affidavit stating that the testator had executed the Will in his presence by appointing the petitioner as the sole executor of his last Will and Testament while possessing good health and fit state of mind.

Counsel for the petitioner submits that the citations were also issued but no caveat has been filed and, accordingly, the department has submitted No Caveat Certificate.

Heard the learned Counsel for the petitioner. Perused the original Will, affidavit of consent of all legal heirs, death certificate of the testator, No Caveat Certificate issued by the department and the affidavit of attesting witness.

This Court finds that all legal heirs of the testator have categorically stated that they have no objection for grant of probate. The attesting witness in his affidavit stated that the testator has executed his last Will and Testament 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 the probate.

The department is directed to issue the probate of the last Will and Testament dated 3rd October, 2008 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/455/2023 is disposed of.

(KRISHNA RAO, J.)