

OD-81

ORDER SHEET

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

PLA/470/2023

IN THE GOODS OF :
SHEELAH GUPTA, DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : January 15, 2025

Appearance:

Ms. Dipika Banu, Adv.

Mr. Subhadip Chakraborty, Adv.

... for the petitioner

The Court: Ms. Dipika Banu, learned Counsel, is appearing for the petitioner.

The petitioner has filed the present application for grant of probate.

Counsel for the petitioner submits that the testatrix, namely, Sheelah Gupta has executed her last Will and Testament on 24th November, 2009 by appointing the petitioner as the sole executor of her last Will and Testament.

Counsel for the petitioner submits that the testatrix has executed her last Will and Testament in presence of two independent witnesses. She submits that the testatrix died on 28th June, 2019 leaving behind only one daughter, namely, Smeeta Gupta.

Counsel for the petitioner submits that as the address of the daughter of the testatrix were not known to the petitioner and accordingly,

general and special citations were issued and publications were made and no caveat has been filed by any person. Accordingly, the department has submitted No Caveat Certificate on 20th November, 2024.

Counsel for the petitioner submits that one of the attesting witness has filed the affidavit stating that the testatrix has executed her last Will and Testament in his presence and in presence another attesting witness by appointing the petitioner as the sole executor while possessing good health and fit state of mind.

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

This Court finds that none has come forward to object for grant of probate. One of the attesting witness of the Will in his affidavit has categorically stated that the testatrix has executed her last Will and Testament in his presence and in presence of another witness by appointing the petitioner as the sole executor while possessing good health and fit state of mind.

Considering the above documents, 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 24th November, 2009 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/470/2023 is disposed of.

(KRISHNA RAO, J.)

Sbghosh