

ORDER SHEET

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

PLA/471/2023

IN THE GOODS OF :  
SUJIT GUPTA, DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : January 15, 2025.

Appearance:

Ms. Dipika Banu, Adv.

Mr. Subhadip Chakraborty, Adv.

...for the plaintiff.

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

Counsel for the petitioner has filed the present application for grant of probate of the last Will and Testament of the testator, namely, Sujit Gupta wherein the testator has appointed the petitioner as the sole executor of his last Will and Testament. The testator died on 27<sup>th</sup> October, 2015 leaving behind only one daughter.

Counsel for the petitioner submits that as the address of the daughter was not known to the petitioner, accordingly, general and special citations were issued and publications were made but in spite of publication, none has come forward and accordingly, the department has submitted No Caveat Certificate.

Counsel for the petitioner submits that the attesting witness has filed affidavit stating that the testator has executed his last Will and

Testament in his presence by appointing the petitioner as the sole executor while possessing good health and fit state of mind.

Considered the submission made by the Counsel for the petitioner. Perused the original Will, No caveat certificate, death certificate of the testator and the affidavit of special and general citations.

This Court finds that ever after publication of notice none appears to raise any objection for grant of probate. The attesting witness in his affidavit categorically stated that the testator has executed his last Will and Testament in his presence and in presence of another witness while possessing good health and fit state of mind by appointing the petitioner as the sole executor.

Considering the above documents, 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 of the last Will and Testament dated 24<sup>th</sup> 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/471/2023 is disposed of.

(KRISHNA RAO, J.)