

ORDER SHEET

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

PLA/484/2023

IN THE GOODS OF:
SMT HARCHRANJEET KAUR, DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: January 17, 2025.

Appearance:

Mr. Ranjit Kumar Basu, Adv.
...for the petitioner

The Court: Mr. Ranjit Kuamr Basu, learned counsel, is appearing
for the petitioner.

The petitioner has filed present application for grant of probate of
the last Will and Testament dated 10th June, 2001 of the Testatrix Smt.
Harchranjeet Kaur.

Counsel for the petitioner submits that the testatrix has executed
her last Will and Testament by appointing the petitioner as sole executrix of
her last Will and Testament in presence of two attesting witnesses.

Counsel for the petitioner submits that testatrix died on 17th July,
2022 leaving behind her husband and three daughters. As none has come
forward either to give consent or to file caveat or affidavit in support of
caveat, accordingly, citations were issued and publication were also made
at Chandigarh for the information of the legal heirs of the testatrix but in
spite of issuance of citation and publication of the notice, none has come
forward to raise any objection of grant of probate or to give consent.

The department has submitted No Caveat Certificate stating that no caveat has been lodged against the grant of probate. The one of the attesting witness of the Will, namely, Dilip Kumar Mundhra has filed his affidavit stating that the testatrix has executed her last Will and Testament in his presence on 10th June, 2001 while possessing good health and fit state of mind by appointing petitioner as executrix of her last Will and Testament.

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

This Court finds that in spite of issuance of citation and publication of the notice, none has come forward to raise any objection for grant of the probate. The department has also submitted the certificate that no caveat has been lodged. One of the attesting witnesses of the Will in his affidavit has categorically stated that the testatrix has executed her last Will and Testament while possessing good health and fit state of mind by appointing the petitioner as sole executrix of her Will.

Considering the above, 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, copy of the Will be made part of the probate.

PLA/484/2023 is disposed of.

(KRISHNA RAO, J.)