

OD-45

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

PLA/512/2023
IN THE GOODS OF:
GORA CHAND CHANDA ALIAS GORACHAND CHANDA, DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: 25th February, 2025.

Appearance:
Mr. P. S. Mullick, Adv.
Mr. Ratan Pal, Adv.
...for the petitioner

The Court: Mr. P. S. Mullick, learned Counsel, is appearing for the petitioner.

Petitioner has filed the present application for grant of probate of the last Will and Testament dated 13th March, 2003 of the testator Gora Chand Chanda. Counsel for the petitioner submits that the testator has appointed Sri Shrad Nawalgaria as executor, failing which Shri Samir Nawalgaria.

Counsel for the petitioner submits that as Sri Shrad Nawalgaria has renounced by executing an affidavit, accordingly, Shri Samir Nawalgaria, the petitioner, has filed the present application for grant of probate.

Counsel for the petitioner submits that the testator died on 25th of June, 2011. The wife of the testator was predeceased to the testator who died on 7th December, 2000. The petitioner says that in the wedlock between the testator and his wife namely Namita Chanda, no child was born. In other

words, they were issueless. The Counsel for the petitioner submits that citations were issued but none has come forward to raise any objection for grant of probate.

Accordingly, the department has submitted no caveat certificate on 16th January, 2025 stating that no caveat has been entered for grant of probate. One of the attesting witnesses namely, Ramakant Pansari, has filed an affidavit stating that the testator had executed his last Will and Testament in his presence and in presence of another attesting witnesses while possessing good health and fit state of mind by appointing the petitioner as executor of his last Will and Testament.

Heard learned Counsel for the petitioner and perused the original Will, death certificate of the testator, death certificate of the wife of the testator, affidavit of attesting witness and the no caveat certificate submitted by the department. This Court finds that it is the specific case of the petitioner that the testator was issueless and the wife of the testator was predeceased to the testator. After filing of this case citations were issued. None has come forward to raise any objection. The attesting witness has categorically stated that the testator has executed his last Will and Testament in his presence and in presence of another attesting witness while possessing good health and fit state of mind by appointing the petitioner as executor of his last Will.

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 probate to the petitioner of the last Will and Testament dated 13th March, 2003 on compliance of all formalities. At the time of grant of probate a copy of the Will be made as part of the probate.

PLA/512/2023 is disposed of.

(KRISHNA RAO, J.)

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