

ORDER SHEET

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

PLA/563/2022

IN THE GOODS OF :
KISHORI BHATIA, DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : 28th January, 2025.

Appearance:

Ms. Vedika Sureka, Adv.

...for the petitioner

The Court:- Ms. Vedika Sureka, learned Advocate, is appearing for the petitioner.

The petitioner has filed the present application for grant of probate of the last Will and Testament dated 2nd May, 2010 of the testatrix Kishori Bhatia, wife of Late Anand Ratansey Bhatia.

Counsel for the petitioner submits that the testatrix has executed her last Will and Testament while possessing good health and fit state of mind by appointing the petitioner as his executor and executrix of her last Will and Testament in the presence of two attesting witnesses. Counsel for the petitioner says that the testatrix died on 20th April, 2020. The husband of the testatrix was pre-deceased who died on 20th September, 1999. Counsel for the petitioner submits that the testatrix died leaving behind five legal heirs i.e. one son, two daughters, one grand-daughter and one grandson.

Counsel for the petitioner submits that all the legal heirs have given their consent for grant of probate. Counsel for the petitioner submits that out of the two attesting witnesses, one attesting witness also passed away and another attesting witness, namely, Dr. Zarin Pessi Dadina has filed his

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

Heard the learned Counsel for the petitioner, perused the original Will , death certificate of the testatrix, death certificate of the husband of the testatrix, affidavit of consent of all the legal heirs and affidavit of the attesting witness.

This Court finds that the all the legal heirs have categorically stated that they have no objection for grant of probate to the petitioner. The attesting witness in his affidavit has also categorically stated that the testatrix has executed her last Will and Testament in his presence and in the presence of another attesting witness while possessing good health and fit state of mind by appointing the petitioner as executor and executrix.

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 of the last Will and Testament 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/563/2022 is disposed of.

(KRISHNA RAO, J.)