

ORDER SHEET

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

PLA/626/2022

IN THE GOODS OF :
PARMENDER SINGH (DEC)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : 24th March, 2025.

Appearance:

Mr. Ratul Das, Adv.

Mr. Tanmoy Roy, Adv.

...for the applicant

1. Mr. Ratul Das, learned Advocate, is appearing for the applicant.
2. The petitioner has filed the present application for grant of probate of the last Will and Testament dated 15th March, 2017 of the testator Parmender Singh.
3. Counsel for the petitioner submits that the testator has executed his last Will and Testament in presence of two attesting witnesses while possessing good health and fit state of mind by appointing the petitioner as executrix failing which his son Sri Kamal Preet Singh and failing which his daughter-in-law Smt Ateet Paul. The present application is filed by wife of the testator, namely, Smt. Ranjit Kaur, who is the first executrix of the last Will and Testament. The testator died on 11th October, 2018. It is found from the death certificate the father's name of the deceased is recorded as "Jit Singh" though in the Will the father's name of the testator is recorded as "Jeet Singh". Accordingly, name of the father of testator shall be read as Late Jeet Singh @ Jit Singh.

4. Counsel for the petitioner submits that the testator leaving behind his four legal heirs i.e. wife, one son and two daughters. The son Kamal Preet Singh during the pendency of the case passed away on 3rd March, 2024, leaving behind his wife, his daughter and one minor son. After the death of the son, the petitioner has taken appropriate steps for recording the death of Kamal Preet Singh and bringing the legal heirs of Kamal Preet Singh on record.
5. Counsel for the petitioner submits that all the legal heirs including the legal heirs of Kamal Preet Singh have filed their affidavit of consent stating that they have no objection for grant of probate to the petitioner of the last Will and Testament of the testator dated 15th March, 2017.
6. Counsel for the petitioner submits that the testator has executed his last Will and Testament in presence of two attesting witnesses and both attesting witnesses have also submits their affidavit and stating that the testator has executed his last Will and Testament in their presence by appointing the petitioner as executrix while possessing good health and fit state of mind.
7. Considered the submission made by the Counsel for the petitioner, perused the original Will, death certificate of the testator, affidavit of consent of all the legal heirs including the legal heirs of Kamal Preet Singh as well as the affidavit of attesting witness.
8. This Court finds that the legal heirs have categorically stated that they have no objection for grant of probate and the attesting witness have also stated that the testator has executed his last Will and Testament in their presence and while possessing good health and fit state of mind by appointing the petitioner as executrix.

9. Considering the above this Court finds that the petitioner has proved the Will and entitled to get the probate.
10. The Department is directed to issue probate of the last Will and Testament dated 15th March, 2017 on compliance of all formalities at the time of grant of probate, copy of the probate Will be made as part of the probate.
11. PLA/626/2022 is disposed of.

(KRISHNA RAO, J.)