

OD-19

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

PLA/38/2018

IN THE GOODS OF : LAKSHMI DEVI ALIAS
LAKSHMI DEBI (DEC.)

BEFORE:

The Hon'ble JUSTICE SUGATO MAJUMDAR

Date : 16th January, 2026.

Appearance:

Ms.Mandeep Kaur, Adv.
Mr. Jagatjyoti Nag, Adv.
..for the petitioner.

The Court:- This is an application praying for grant of probate of the last Will and Testament of the deceased Lakshmi Devi Alias Lakshmi Debi, the Testatrix herein.

The Testatrix was a Hindu governed by Mitashkara School of Hindu Law. She had her last place of residence at 2C, Refugee Lane, Kolkata – 700012. She breathed her last on 24.06. 2001 at her residence. Prior to her death, she executed one Will, said to be her last Will and Testament dated 21.03. 2001.

On her death, the Executor, appointed therein, filed application for grant of probate of the said Will. Citations had been issued but no caveat was lodged. The probate proceeding became non-contentious. One of the attesting witnesses examined herself as PW-1. PW-1 is the granddaughter of the Testatrix. She deposed that the Will was executed in her presence by the Testatrix and she attested the Will in presence of the Testatrix. She also identified the signature of the Testatrix in the Will. It was also testified that the

instant Will was the last Will and Testament of the Testatrix and that she was physically fit and mentally alert at the time of execution of the Will. The Testatrix died three months after execution of the Will as her health suddenly deteriorated. The attesting witness also identified the signature of the other attesting witness. The Will was executed, according to her, in presence of the husband, daughter and another granddaughter of the Testatrix.

PW-2 being the Executor produced the death certificate which was marked as exhibit.

On appreciation of the unchallenged Testimony of the witnesses, this Court comes to the conclusion that execution of the last Will and Testament of the Testatrix dated 21st March, 2001, is duly proved in accordance with Section 63 of the Indian Succession Act, 1925.

Let probate be granted.

Inventory and accounts shall be filed within statutory period from the date of issue of probate.

The instant application stands disposed of.

(SUGATO MAJUMDAR, J.)