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

PLA/151/2025

IN THE GOODS OF:
SANKAR LALL SEAL (DEC.)

BEFORE:
The Hon'ble JUSTICE PARTHA SARATHI CHATTERJEE
Date : 8th October, 2026

Appearance:
Mr. Supratim Laha, Adv.
Mr. Arijeet Doss Mullick, Adv.
Mr. Subhasis Pyne, Adv.
Mr. Rajat Nath Pyne, Adv.
...for the petitioner

The Court: This is an application for grant of probate of the last Will and Testament of the testator namely, Sankar Lall Seal (since deceased) dated 26th November, 1993.

Mr. Laha, learned Advocate appearing for the petitioner, submits that the last Will and Testament of Sankar Lall Seal, dated 26th November, 1993, was duly registered. He further submits that both the attesting witnesses have since expired. In the circumstances, a person acquainted with the signatures of the testator and the attesting witnesses has appeared before this Court and proved their respective signatures. The said witness has also specifically testified that he was present at the time of execution and registration of the Will and has deposed in support of its due execution. In the aforesaid conspectus, he prays for the grant of probate in respect of the said Will.

Heard learned Advocate appearing for the petitioner and perused the materials on record including the evidence adduced by the witness, Mira Mullick and the document proved by the petitioner including the Will and death certificate of the testator.

In the application, the petitioner averred that this is the last Will and Testament of the testator and the petitioner disclosed the time of death of the testator and it has also been mentioned therein that at the time of his death, the testator has permanent place of abroad within the territorial jurisdiction of this Court and the affidavit of assets has disclosed the property which lightly to come at his hand in the event the probate is granted. Therefore, it appears that the petitioner has complied with all formalities under Section 276 of Indian Succession Act, 1925

In the present case, Ms. Mira Mullick has deposed that she was present at the time of execution and registration of the Will and had witnessed the testator and both the attesting witnesses affix their respective signatures thereto. She has further testified that the testator had seen the attesting witnesses affix their signatures to the Will and that the attesting witnesses had, in turn, seen the testator sign the same. She has also deposed that the testator was in a sound and disposing state of mind at the time of execution of the Will. In view of the aforesaid testimony, it stands established that the petitioner has duly proved the execution and attestation of the Will. Accordingly, there appears to be no impediment to the grant of probate.

Accordingly, the application is allowed.

Let the probate be granted in respect of the Will of last Will and Testament of Sankar Lall Seal dated 26th November, 1993 with the copy of the Will annexed thereto upon completion of all formalities and payment of ad veloram Court fees, if not already paid.

PLA/151/2025 is thus disposed of.

(PARTHA SARATHI CHATTERJEE, J.)

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