

IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY AND INTESTATE JURISDICTION

IA No. GA/2/2026
In
PLA No. 202 of 2024
IN THE GOODS OF:
GHANSHYAM DAS KOTHARI, DECEASED

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BEFORE:
The Hon'ble JUSTICE ARINDAM MUKHERJEE
Date: 19th February, 2026

Appearance:
Mr. V.V. V. Sastry, Adv.
Mr. Anirudh Goyal, Adv.
For the petitioner.

The Court:- This is an application for grant of probate of the last Will and Testament dated 24th November, 2022 said to have been left behind by Ghanshyam Das Kothari, the deceased abovenamed.

It is submitted on behalf of the applicant that he is willing to obtain the probate in respect of the properties and assets which are situated within the State of West Bengal and (less than Rs.10,000/-) for those which are situated outside the State of West Bengal having value.

In view of the provisions of Section 273(b) read with Sections 255 and 257 of the Indian Succession Act, 1925, probate can be granted by excluding

those properties. So far as some of the movables are concerned, which are essentially the share certificates and mutual funds, though the registered office of the said companies are situated outside the State of West Bengal, but the usufructs thereof are to be credited in the bank account maintained within the State of West Bengal. These assets are, therefore, allowed to be included in the grant.

In the aforesaid facts and circumstances, the Will having been proved in common form by the affidavit of the attesting witnesses and other heirs-in-intestacy having consented to the grant, the probate is granted in terms of prayer [a] of the application for grant being PLA No. 202 of 2024 by treating the same as on day's list save and except for the two immovable properties situate at the State of Rajasthan as indicated in Schedule "J" and "K" of the Will.

Accordingly, IA No. GA/2/2026 and PLA/202/2024 are disposed of.

(ARINDAM MUKHERJEE, J.)