OD-7

IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY AND INTESTATE JURISDICTION
ORIGINAL SIDE

PLA/322/2025

IN THE GOODS OF :
UMA RANI BANERJEE ALIAS
UMA RANI BANERJEE BANDOPADHYAY
DECEASED

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

*Appearance:*
*Ms. Sarmistha Das, Adv.*
*Ms. S. Das, Adv.*
*...for the petitioner.*

The Court :- The present application has been filed praying for the grant of probate of the last Will and Testament dated 21st May, 2009, executed by Uma Rani Banerjee alias Uma Rani Bandopadhyay, since deceased.

Ms. Das submits that the Will in question was duly registered and that, in compliance with the directions passed by a Co-ordinate Bench of this Court, both the general and special citations have been duly effected. She further submits that another legal heir left behind by the testatrix, namely, the petitioner's sister, had initially entered appearance and lodged a caveat. However, upon her failure to take any further steps, the said caveat was subsequently discharged. It is further submitted that the attesting witness has filed an affidavit proving the due execution and attestation of the Will. In the aforesaid circumstances, she prays for the grant of probate in respect of the said Will.

Having heard the learned Advocate appearing for the petitioner and perused the materials on record, including the copy of the Will, the death certificate of the testatrix and the affidavits of the attesting witnesses.

The application discloses the date of death of the testatrix and contains a statement that, at the time of her death, she had a fixed place of abode within the territorial jurisdiction of this Court. The affidavit of assets also specifies the value of the property likely to come to the hands of the executor upon the grant of probate. The petitioner has, therefore, duly complied with the formal requirements prescribed under Section 276 of the Indian Succession Act, 1925.

The affidavits filed by the attesting witnesses specifically aver that the testatrix had seen the witnesses affix their signatures to the Will and that the witnesses had, in turn, seen the testatrix affix her signature thereto. The attesting witness has further deposed that, at the time of execution of the Will, the testatrix was in a sound and disposing state of mind.

In view of the aforesaid materials on record, this Court is satisfied that the petitioner has duly proved the execution and attestation of the Will. There appears to be no impediment to the grant of probate. Accordingly, the prayer of the petitioner is allowed, and probate of the last Will and Testament of the testatrix is granted.

Let probate be granted upon payment of ad valorem Court fees, if not already paid.

PLA/322/2025 is thus disposed of.

(PARTHA SARATHI CHATTERJEE, J.)

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