

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

PLA/344/2025
IN THE GOODS OF
KRISHNA ROY, DECEASED

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 26th February, 2026.

Appearance:
Mr. Debasish Ghose, Adv.
For petitioner

The Court: The testatrix as stated in the petition had obtained a portion of an immovable property from her father. The rest portion of the property and other assets mentioned in the affidavit of assets are, according to the statement contained in the application, to be self-acquired.

In a conjoint reading of Sections 15 & 16 of the Hindu Succession Act, 1956 it is apparent that in case of a woman acquiring properties from her father, the intestate successors will be the heirs of the father. On the other hand the heirs of the husband will be entitled to the share said to have been acquired through self income in absence of any Class I heir.

The heirs of the father have consented to the grant. The heirs of the husband has also not objected to the said grant. The Will has been proved in common form by the affidavit of the attesting witness.

Considering the view of the department upon complete scrutiny, the application for grant of probate is allowed by granting order in terms of prayer (a) of the petition.

The petition for grant of probate stands disposed of, accordingly.

(ARINDAM MUKHERJEE, J.)

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