OD-13

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

PLA/378/2025

IN THE GOODS OF:
SRI NIRENDRA NATH SARKAR, DECEASED

BEFORE:
The Hon'ble JUSTICE PARTHA SARATHI CHATTERJEE
Date : 13th October, 2026

Appearance:
Mr. Ranjit Kumar Basu, Adv.
…for the petitioner

The Court: This is an application for grant of probate of the last Will and Testament dated 10th October, 2010.

Mr. Basu, learned Advocate appearing for the petitioner, submits that the testator died leaving behind him the legal heirs, particulars of whom are detailed in paragraph 6 of the present application. He submits that one of the legal heirs, Deep Narayan Sarkar, has come forward to propound the Will. However, the legal heirs have, by executing separate affidavits, expressed their 'No Objection' to the grant of probate. He further submits that the attesting witness has, by filing an affidavit, proved the execution and attestation of the Will. In the aforesaid circumstances, he prays for the grant of probate.

Heard learned Advocate appearing for the petitioner and perused the materials on record, including the copy of the Will, the death certificate of the testator and the affidavit of the attesting witness.

In the application, the petitioner has averred that the document in question is the last Will and Testament of the testator and has disclosed the date

of execution of the Will. The petitioner has also stated that the testator at the time of his death had a fixed place of abode within the territorial jurisdiction of this Court. The Affidavit of Assets specifies the value of the property likely to come to the hands of the petitioner upon the grant of probate. The legal heirs have, by filing separate affidavits, expressed their 'No Objection' to the grant of probate. The attesting witness has, in his affidavit, specifically deposed that he had seen the testator affix his signature to the Will and that the testator had, in turn, seen the witness affix his signature thereto. He has further deposed that the testator was in a sound and disposing state of mind at the time of execution of the Will.

The petitioner has, therefore, complied with the requisite formalities prescribed under Section 276 of the Indian Succession Act, 1925, and duly proved the execution and attestation of the Will. Accordingly, there appears to be no impediment to the grant of probate.

In view thereof, the application is allowed.

Let probate of the last Will and Testament of Suresh Chandra (since deceased) be granted upon completion of all requisite formalities and payment of the requisite ad valorem court fees, if not already paid.

PLA/378/2025 is thus disposed of.

(PARTHA SARATHI CHATTERJEE, J.)

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