

Probate Case No.- 149/2020

JO Code: WB00908

CNR No. - WBSP05-001262-2020

Order no. 25, Date: 17.07.2026

Today is the date fixed for passing order.

Petitioner is present through his Ld. Advocate.

Now the case record is taken up for passing order.

Heard on last occasion.

Applicant/petitioner's case in short is that Sukhendra Kumar Roy (since deceased) was a resident of 45, Shyama Colony, P.O. + P.S. Jadavpur,, Kolkata- 700 032 died on 17.05.2012 at KPC Medical College and Hospital which is within the jurisdiction of this Court.

During his life time he executed a Will dated 31.08.2009 in favour of her beneficiary. The said will of the deceased Sukhendra Kumar Roy was his last will and testament. So the applicants, namely Ayantika Chakraborty and Sayantika Chakraborty as beneficiary pray for grant of Probate in respect of the **Will** left by the testator.

Applicant published notice in a newspaper in 'Bartaman' Newspaper dated 22.09.2025 which have marked as Exhibit- 3 and after expiry of time stipulated in the notice none appeared to contest the probate application.

Notice has been served upon the legal heirs but they did not bother to appear and raised objection against the probate proceeding, it implies they have no objection if the certificate of probate has been granted in favour of the applicant in respect of the deceased testator.

Applicant/petitioner Ayantika Chakraborty adduced as witness for himself along with attesting witness, namely Partha Sarathi Dey as P.W2 & P.W.1 respectively. During the course of evidence petitioner/applicant produced following document in order to establish his case.

Sl. No.	Exhibit No.	Nature of Document
1	1 (in series)	Original Will of Sukhendra Kumar Roy along with signatures of PW1
2	2	Death certificate of Sukhendra Kumar Roy
3	3	Part of publication in Bengali daily newspaper 'Bartaman' dated 22.09.2025

Perused the case record and the materials available therein in the form of ocular and documentary evidence.

From the evidence of Ayantika Chakraborty it is evident that deceased Sukhendra Kumar Roy had executed a will in favour of her beneficiary which has been supported by attesting witness. Also perused the original

Probate Case No.- 149/2020

Cont...Order no. 25, Date: 17.07.2026

death certificate exhibit- 2 of **Sukhendra Kumar Roy** issued by KMC. Upon perusal of the Exhibit- 2 I find that **Sukhendra Kumar Roy** died on **17.05.2012** within the jurisdiction of this Court.

I have also perused the original '**Will**' executed by deceased **Sukhendra Kumar Roy** which goes to show that on **31.08.2009** the will was executed and it was read over to the testator in presence of witnesses. The contents of the will and testimony is found to be operative after the demise of **Sukhendra Kumar Roy**.

It is also evident that at the time of execution of the '**Will**' **Sukhendra Kumar Roy** was mentally sound and had no any influence or coercion upon her which gets support from the deposition of attesting witness. The case of the applicant is an unchallenged one. So that applicant is entitled to get a Probate of Act-39 case no. **149/2020**.

That it is further declared by the petitioner that no application has been made before any other Court for Probate of the said will nor any suit or other proceeding is pending for grant of Probate of the Will possessed by the deceased.

HENCE, it is

O R D E R E D

that the application u/s **276** of the Indian Succession Act is allowed on ex-parte.

Let the Probate application be granted in respect of the **Will** of **Late Sukhendra Kumar Roy** on payment of prescribed Court Fees, in favour of applicants namely, **Ayantika Chakraborty and Sayantika Chakraborty**.

The petitioner/executor is directed to file an undertaking in respect of the property to administer the same, and to make a full and inventory of the said property and credit and exhibit the same in this Court within six months from the date of grant and also to render to this Court a true account of the said property and credits within one year from the same date.

Sheristadar to check and report.

Let the Will be returned to the safe custody after the disposal of this case.

Dictd. & Corrtd. By me
Sd/-
District Delegate
South 24-Pgns , Alipore.

Sd/-
District Delegate
South 24-Pgns , Alipore.