

Probate Case No. 75 of 2023
(CNR : WBCC01-012356-2023)

Present : Sri Abhijit Som, Chief Judge (WB 01127)

Order No. 19 dated 29.06.2026 :

Today is fixed for filing Court fees and order.

Now, the case record is taken up for passing order.

The instant case arises out of an application filed by the petitioner under Section 276 of Indian Succession Act for granting probate of a Will in favour of the petitioner namely Baby Das who claims to be the executrix of last Will and Testament executed by the deceased Parulrani Das.

Briefly stated, the case of the petitioner is as follows -

The deceased Parulrani Das, Hindu female, lastly resided at premises no. 9/4D, Peary Mohan Sur Lane, P.S.- Burtolla, Kolkata- 700006 which is situated within the jurisdiction of this Court. The said Parulrani Das died on 23.11.2020 at her residence.

It is stated that the deceased Parulrani Das, prior to her death, executed her last Will and Testament dated 22.08.1995 corresponding to 5th day of Bhadra, 1402 in Bengali language and the said Will was duly registered before the Registrar of Assurances, Calcutta, and recorded in Book No. I, Volume No. 70, pages from 26 to 39, being No. 896 for the year 1999. The said deceased testatrix Parulrani Das, through her said Will, bequeathed her property as indicated therein appointing Baby Das (petitioner) as sole executrix of that last Will and Testament. The husband of the deceased namely Rabindra Nath Dhar predeceased her on 15.05.1999. The testatrix died leaving behind her two daughters namely Baby Das(petitioner), Gita Dutta and one son namely Goutam Das as her legal heirs and representatives. So, being the position, the petitioner as the executrix has applied for obtaining probate of last Will and testament dated 22.08.1995 corresponding to 5th day of Bhadra, 1402 executed by the testatrix. Save and except the above named persons, there are no other near relations left by the testatrix.

In the probate application, it is stated that the testatrix executed the Will voluntarily and in full possession of her mental faculties and there was no coercion or undue influence exercised on the testatrix for execution of the said Will in presence of attesting witnesses.

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The legal heirs and near relations whom the testatrix left are mentioned in the application.

It is stated in the application that no other application has been filed in any Court of law for granting of probate or Letters of Administration in respect of the aforesaid Will. Under such circumstances, the petitioner prays for granting of probate of the Will of the deceased testatrix.

It appears that despite service of general notice and publication of the notice in a daily Bengali newspaper, no one has come forward to the Court to contest the case.

In support of the case, the petitioner Baby Das adduced evidence as PW-1. Other witnesses namely Goutam Das, Gita Dutta and Biswajit Dey have also adduced evidence and they are examined as PW-2, PW-3 and PW-4 respectively. The documents tendered in evidence on behalf of the witnesses are marked as Exhibit 1 to 6/6 as per the exhibit list.

Exhibit 6 is the last Will and Testament dated 22.08.1995 corresponding to 5th day of Bhadra, 1402 executed by Parulrani Das.

Biswajit Dey has been examined as PW-4. PW-2 is the attending witness and in his evidence has stated that he witnessed the execution and authentication of the last Will and testament by the deceased Parulrani Das. He further stated that on 22.08.1995 corresponding to 5th day of Bhadra, 1402, testatrix Parulrani Das executed the Will in presence of two attesting witnesses namely Ashoke Bakshi and Bharat Chandra Hazra. As per evidence of PW-4, said Parulrani Das put her signatures (Exbt. 6/1 to 6/5 respectively) on the said Will and testament in presence of the attesting witnesses along with PW-4. One of the attesting witnesses namely Ashoke Bakshi put his signature (Exbt.6/6) in presence of the testator and other attesting witness. PW-4 know the signature of Ashoke Bakshi as he was worked as the Chamber Junior of Ashoke Bakshi more than 25 years. Other witness also put his signature in presence of the testatrix, Ashoke Bakshi and Bharat Chandra Hazra along with PW-4.

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From the evidence of PW-4, it stands proved that the testatrix Parulrani Das duly executed the Will in accordance with law.

PW-1 Baby Das, by her evidence substantiates the averments as made in the application and she also proved the death certificates (Exbt. 2 Series) of Parulrani Das and Bistupada Das who died on 23.11.2020 and 21.12.2009 respectively.

PW-2 Gita Dutta and PW-3 Goutam Das deposed that they have no objection if probate of Will is granted in favour of the petitioner in this case.

In view of evidence adduced by the petitioner, it may be stated that the testatrix of the Will was physically fit and mentally alert at the time of her execution and making of the Will. It is also found that the Will has been executed by the testatrix and the attesting witnesses in adherence to the provision of Section 68 of Indian Evidence Act. The testatrix signed the Will in presence of the attesting witnesses and on the other hand, the attesting witnesses also signed in presence of the testatrix. So, the Will has been successfully proved to the satisfaction of this Court and there is no hesitation of this Court to believe the unchallenged testimonies of the witnesses adduced in this case.

In the result, the case succeeds.

Hence, it is,

Ordered

that the Probate of the last Will and testament dated 22.08.1995 corresponding to 5th day of Bhadra, 1402 executed by the testatrix Parulrani Das, since deceased, is granted in favour of petitioner and executrix of the Will namely Baby Das.

The original exhibited documents may be returned to the petitioner on submission of certified copies thereof by him in accordance with law.

However, the original Will be kept in the safe custody of the Assistant-in-Charge(Probate Section) of the office of this Court.

The probate proceeding is disposed of.

Dictated & corrected by me,

Chief Judge

Chief Judge
City Civil Court, Calcutta.

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