

TS No. 26 of 2018
IA No. GA/1/2018 (Old No. GA/558/2018), GA/6/2023

IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY AND INTESTATE JURISDICTION

IN THE GOODS OF:
GIRINDRA KISHORE PAL CHOUDHURY, DECEASED
AND
RANJUSREE PAL
VERSUS
SUPARNA PAL CHOWDHURY & ORS.

BEFORE:
The Hon'ble JUSTICE BIVAS PATTANAYAK
Date: 22nd August, 2024.

Appearance:
Mr. A.C. Kar, Adv.
Mr. Sarmila Das, Adv.
For the plaintiff.

The Court :- The witness, Ms. Ranjusree Pal, is present.

Mr. A.C. Kar, learned advocate appearing for the propounder, submits that on the previous day objection was raised with regard to the marking of the Will since the witness was not an attesting witness. However, as the attesting witness denied to prove the execution of Will, hence in view of Section 71 of the Evidence Act, such execution of the Will can be proved by other evidences. Thus, even though the witness is not an attesting witness, her evidence can be considered as a proof of execution of Will.

On the last occasion, Mr. Asit Chowdhury, learned advocate, sought for accommodation to make his reply to the aforesaid point of law advanced by Mr. A.C. Kar, learned Advocate for the propounder.

None appears on behalf of the defendant nos. 1 and 2.

For the ends of justice, the matter is adjourned.

List this matter on 17th September, 2024 at 3:00 p.m.

Learned advocate-on-record for the plaintiff is directed to give a notice to the learned advocate for the defendant intimating the next date.

(BIVAS PATTANAYAK, J.)

snn.