

OD-4

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

TS/1/2022
IN THE GOODS OF:
SRI DHIRENDRA MOHAN OJHA (DECD.)
AND
SMRITIREKHA OJHA AND BIVA NANDY
VS.
MUKTI OJHA (KUMAR), MALA OJHA (KUNDU), DIPTI OJHA,
TRIPTI OJHA (ROY), BANANI OJHA (INDU)

BEFORE :

THE HON'BLE JUSTICE APURBA SINHA RAY
Date : 6th September, 2023

Appearance :
Mr. Arun Goswami, Adv.
Mr. Manabendranath Bandyopadhyay, Adv.
Mr. Sourish Roy, Adv.
Ms. Snigdha Ghosh, Adv.
...for the Plaintiffs

Mr. Jayanta Sengupta, Adv.
Mr. Arnab Dutt, Adv.
... for Caveatrix/Defendants

The Court : Learned Counsel for the plaintiffs and the defendants/
caveatrix are present.

Both the parties have submitted their suggested issues before this Court.

Considered the submissions and the issues suggested by them.

The following issues are framed for the purpose of adjudication of the
present probate proceeding :-

1. Is the suit maintainable in its present form ?
2. Whether the signature appearing in the Will dated 13th August, 2017 is
the original signature of Late Dharendra Mohan Ojha ?

3. Whether the Will of Late Dharendra Mohan Ojha was executed out of his free will, volition and with sound mind and health ?
4. Whether the attesting witnesses had seen the testator to sign the Will on the relevant date and time ?
5. Whether the testator affixed the signature in presence of both the attesting witnesses or not ?
6. Whether the Will of Late Dharendra Mohan Ojha dated 13th August, 2017 has been executed as per the provisions of the Indian Succession Act, 1925 ?
7. Are the plaintiffs entitled to reliefs as prayed for ?
8. To what other relief or reliefs are the plaintiffs entitled ?

Let the matter be fixed for witness action on 20th September, 2023.

The plaintiffs are to prepare Judge's Brief of documents in the meantime and circulate the same among the parties.

(APURBA SINHA RAY, J.)