

ORDER SHEET

OD-4

IA NO.GA 3 OF 2022
IN
PLA 73 OF 2021

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

IN THE GOODS OF:
SAJJAN KUMAR MODY(DEC.)

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date : 7th September, 2022

Appearance:
Mr.Debrup Bhattacharya, Adv.
Mr. R.N.Ghose, Adv.
Ms. Pritha Ghose, Adv.
For petitioners

The Court : This is an application for grant of probate of the last Will and Testament dated 1st October, 2008 said to have been left behind by the deceased.

The testator as indicated in the application for grant was survived by his widow, son and daughter, who would have inherited the property in case of death in intestacy. It appears from the said Will that a trust in the name of Sajjan Mody Charitable Trust has been formed by the testator to devise all his properties upon the trustees and have appointed Rajendra Prasad Mody and Raghu Nandan Mody as the executors and trustees of the said Will.

This application being GA 3 of 2022 is made by the executors and trustees. In this application the executors seek for issuance of general

citation upon the legal heirs of the deceased. The background for seeking this order is that the application for grant was filed with the consent affidavit of the widow and the daughter of the deceased annexed thereto. The application had certain errors which have been amended pursuant to the leave granted by this Court. The amendments have been carried out and the executors have reverified the main application for grant of probate being PLA 73 of 2021. The executors say that the department while the amendment was being carried out had indicated to the executors that the consent affidavits annexed to PLA 73 of 2021 is on the unamended cause title and, as such, fresh affidavits with the amended cause title shall have to be filed. The widow and the daughter of the deceased on being approached are not willing to come forward to affirm the consent affidavits with amended cause title. This has led to the executors for seeking general citation being issued to the legal heirs of testator.

Considering the submission made on behalf of the executors, this application being GA 3 of 2022 is allowed granting the order in terms of prayers (a), (b) and (c) of the said application.

The application being GA 3 of 2022 is accordingly disposed of.

(ARINDAM MUKHERJEE, J.)