

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Testamentary & Intestate Jurisdiction
ORIGINAL SIDE

PLA/170/2024

IN THE GOODS OF:
SUMANA DASGUPTA, DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : March 4, 2025.

Appearance:

Mr. Shayak Mitra, Adv.

Mr. Abhijit Sarkar, Adv.

... for the petitioner

The Court: Mr. Shayak Mitra, learned Counsel, is appearing for the petitioner.

The petitioner has filed the present application for grant of probate of the last Will and Testament dated 6th February, 2020 of the testatrix, Sumana Dasgupta.

Counsel for the petitioner submits that the testatrix has executed her last Will and Testament by appointing the petitioner as the sole executor of her last Will and Testament in presence of two attesting witnesses while possessing good health and fit state of mind.

Counsel for the petitioner submits that the testatrix died on 10th February, 2024 leaving behind one legal heir who is her husband. In the application it has been categorically mentioned that the testatrix died issueless as there is no child born out of wedlock between the testatrix and the petitioner. The two attesting witnesses have filed their affidavits stating that the testatrix has executed her last Will and Testament in their presence

while possessing good health and fit state of mind by appointing the petitioner as sole executor of her last Will and Testament.

Considered the submission made by the counsel for the petitioner. Perused the original Will, copy of the death certificate of the testatrix, affidavit of both the attesting witnesses.

This Court finds that the attesting witness in their affidavits have categorically stated that the testatrix has executed her last Will and Testament while possessing good health and fit state of mind by appointing the petitioner as the sole executor of his last Will and Testament.

Considering the above, this Court finds that the petitioner has proved the Will and is entitled to get the probate.

The department is directed to issue probate to the petitioner of the last Will and Testament dated 6th February, 2020 on compliance of all formalities.

At the time of grant of probate, the copy of the Will be made part of the probate.

PLA/170/2024 is disposed of.

(KRISHNA RAO, J.)