

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY & INTESTATE JURISDICTION
ORIGINAL SIDE

PLA/369/2022
IN THE GOODS OF: KAMALA BASU, DECEASED

BEFORE:
THE HON'BLE JUSTICE SUGATO MAJUMDAR
Date: 11th July, 2025

Appearance:

Mr. Sudip Ghosh, Adv.
Mr. Somnath Ghoshal, Adv.
Mr. Bidish Ghosh, Adv.
Mr. Joydeep Dhar, Adv.
Ms. Atreyee Senapati, Adv.
... for the Applicant.

The Court: After hearing of argument, the following judgment is passed. This is an application for grant of probate of the last will and testament of the Testatrix Kamala Bose.

The Testatrix was a Hindu who expired on 28/10/2008 at Ramkrishna Mission Seva Pratishthan, Kolkata-700026. At the time of death, her last residence was at 18/2C Dhirendranath Ghosh Road, P.S.-Kalighat, Kolkata-700025. Prior to her death, the Testatrix executed her last will and testament on 23rd February, 1996 which was registered before the Additional Registrar at Alipore. The original will was lost during renovation work of the residential property. The Executor annexed certified copy of the registered will along with this application.

Citations were issued. No caveat was lodged.

Attesting witness examined as P.W. 1 identified the signature of the Testatrix as well as himself. The will was executed by the Testatrix in presence of the attesting

witnesses. The attesting witness was also present at the time of registration of the will. The family physician was also present at the time of the execution of the will. P.W. 2 identified the signatures of the family physician. Death certificate of the Testatrix was also exhibited.

It is in the evidence that Testator was physically fit and mentally alert. It is stated by the witness that the original will was lost for which a general diary was lodged in Kalighat Police Station which has also been exhibited.

Due execution of the will, in terms of Section 63 of the Indian Succession Act, 1925 is proved, according to Section 68 of the Indian Evidence Act, 1872.

Let the probate will be granted under Section 237 of the Indian Succession Act, 1925 for a limited period till the original will is found.

Inventory and accounts shall be filed within statutory period.

The instant PLA 369 of 2022 stands disposed of.

(SUGATO MAJUMDAR, J.)