

OD-7

ORDER SHEET

IA No.GA 1 of 2023

In

PLA 369 of 2022

IN THE HIGH COURT AT CALCUTTA

TESTAMENTARY & INTESTATE JURISDICTION

IN THE GOODS OF :
KAMALA BASU, DECEASED

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 23rd November, 2023.

Mr. Sudip Ghosh, Mr. Somnath Ghoshal, Mr. Bidish Ghosh, Mr. Jaideep Dhar,
Advocates for petitioner.

The Court: The application for grant of probate was filed with a typed certified copy as the original Will was misplaced. Subsequently the executor has obtained a xerox certified copy of the volume of the Will which is a registered one as also a photocopy of the original Will. The main application being PLA 369 of 2022 therefore is an application inter alia under the provisions of Section 237 of the Indian Succession Act, 1925. The Will is required to be proved in solemn form. In order to enable the Court to adjudicate such an application the certified copy of the volume of the Will and the photocopy of the original Will are required to be considered as part of the application being PLA 369 of 2022. The learned Advocate for the propounder, however, due to inexperience has annexed the original certified copy of the volume of the Will as also photocopy of the original Will to this application and has also paginated the same.

Considering the inadvertent error and that the entire proceedings will

be delayed the propounder/applicant is granted leave to take back the original certified copy of the volume of the Will in question as also the photocopy of the original Will by replacing them with authenticated photostat copy of such documents. The department is directed to take necessary steps for permitting the return of the original certified copy of the volume of the Will and the photocopy of the original Will which the applicant subsequently discovered by replacing them with authenticated true copy of such documents. After the original certified copy of the volume of the Will and the photocopy of the original Will are returned to the propounder, the propounder shall file those documents in PLA 369 of 2022 so that the Court if necessary can consider those documents in the event the application for grant becomes as contentious cause or the Will is directed to be proved in solemn form.

Let this application appear in the list on 14th December, 2023.

(ARINDAM MUKHERJEE, J.)