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

IA NO. GA/2/2026
PLA/441/2024
IN THE GOODS OF
RANCHHOD DAS DAGA, DECEASED
Vs
NA

BEFORE :
THE HON'BLE JUSTICE PARTHA SARATHI CHATTERJEE
Date: 24th September, 2026

Appearance:
Mr. Gopal Pahari, Adv.
Ms. Mandeep Kaur, Adv.
Mr. Jayatjyoti Nag, Adv.
...for petitioner.

The Court: The present application being IA NO. GA/2/2026 has been filed
praying for the following reliefs :

*“(a) That the application being letters of administration with the Will annexed thereto
be converted into an application for grant of probate;*

*(b) Let the death of the sole executor of the first degree namely Gopal Das Daga be
recorded’*

*(c) Let the petitioner be substituted in the probate proceeding as the sole executor of
the second degree.”*

The petitioner submits that citation has been completed and the summon was
served upon the other legal heir of the testator. Despite receipt of the summon, she did
not file any caveat.

Mr. Pahari, learned Advocate representing the petitioner submits that the testator, since deceased, namely, Ranchhod Das Daga bequeathed his property by executing the subject Will. In the Will Gopal Das Daga was appointed as an executor and in the absence and in his ability Abhishek Das Daga was appointed as executor. He submits that immediately after demise of the testator, Gopal Das Daga submitted this application to propound the Will. However, during the pendency of this proceeding, Gopal Das Daga expired. Thereafter, Abhishek Das Daga stepped into his shoes and filed an application to convert the application for grant of probate to an application for letter of administration. He preferred this application in the capacity of legal heir of Gopal Das Daga, who also to be the beneficiary of the Will. As Abhishek Das Daga was also appointed as an executor, he can every authority to apply for the grant of probate. Therefore, this proceeding should not be continued as a proceeding for grant of letter of administration. In such conspectus, Abhishek Das Daga the petitioner herein has presented this petition praying for an order for conversion of the application for grant of letter of administration to an application for grant of probate. He further submits that this application needs to be amended as shown in the red ink in the copy of the application and the affidavit of assets should also be amended to incorporate all the estates left by the testator.

Having heard the learned Advocate for the petitioner and after perusal of the relevant portion, I do not find any impediment in accepting such submission made by the petitioner. Accordingly, the application [GA/2/2026] is allowed.

Let this application for grant of letter of administration be converted to an application for grant of probate.

Let the amendment be allowed in terms of prayers (e) and (f) of the Master's Summons. The Office is directed to effect such amendment. The petitioner is directed to file the amended plaint within a period of two weeks.

List the matter for further consideration three weeks after the ensuing puja vacation.

(PARTHA SARATHI CHATTERJEE, J.)

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