



OD-34
wt. 35

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

TS/1/2007
IA NO: GA/8/2014(Old No:GA/1514/2014),
GA/9/2014(Old No:GA/2312/2014)
IN THE GOODS OF GOUR LAL MITRA, (D) –ANDKAMAL KR. MITRA
VS
KUM KUM BISWAS & ORS.

CS/90/2008
IA NO: GA/10/2015(Old No:GA/2234/2015)
CHANDRA DAS & ORS.
VS
KAMAL MITRA

BEFORE:
The Hon'ble JUSTICE SUGATO MAJUMDAR
Date : 28th January, 2026.

Appearance:

Mr. Dhruba Ghosh, Sr. Adv.
Mr. Debraj Sahu, Adv.
Ms. Debjani Ghosh, Adv.
Ms. Nafisa Yasmin, Adv.
...for plaintiff in TS/ 1/2007
& for the defendant in CS 90/2008

Mr. Suman Dutt, Sr. Adv.
Mr. Sarosij Dasgupta, Adv.
Ms. Subhra Das, Adv.
...for the plaintiff in CS/ 90/2008
& for the defendant in TS/ 1/2007

The Court:- Issues are re-cast as follows:-

1. Whether the instant Will was the last Will and Testament of the
Testator namely, Gour Lal Mitra ?



2. Whether the Testator had mental capacity and physical ability to execute the Will ?
3. Whether the Will was executed out of volition, free will of the Testator ?
4. Whether the Testator had testamentary capacity to execute the Will ?
5. Whether the Will got executed by practicing fraud, undue influence and coercion on the Testator ?
6. Whether the execution of the Will was surrounded by suspicious circumstances and whether the plaintiff is able to dispel such suspicion ?
7. Whether the Will was executed in terms of Section 63 of the Indian Succession Act, 1925 ?
8. Whether the plaintiff is entitled to grant of probate ?
9. What are relief or reliefs the plaintiff is entitled to ?

Adjourned to 3rd February, 2026 for further argument.

(SUGATO MAJUMDAR, J.)