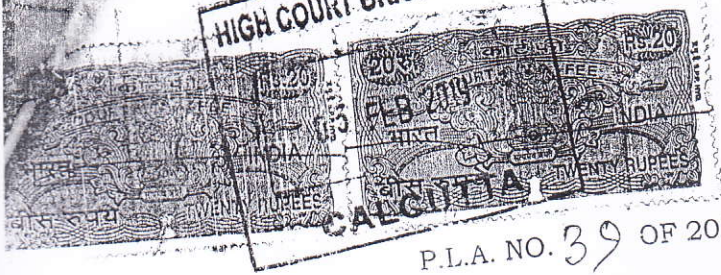


HIGH COURT ORIGINAL SIDE



P.L.A. NO. 39 OF 2019

IN THE HIGH COURT AT CALCUTTA

TESTAMENTARY AND INTESTATE JURISDICTION  
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IN THE GOODS OF:

RATAN LAL PASARI, son of the Late  
Mulchand Pasari, lately residing at  
17, Ballygunge Park Road, Police  
Station Karaya, Kolkata-700019,  
within the testamentary jurisdiction  
of this Hon'ble Court, a Hindu  
inhabitant, deceased.

To

The Hon'ble Biswanath Somadder, Acting Chief Justice and His  
Companion Justices of the said Hon'ble Court.

The humble petition of Abhay  
Pasari, son of Late Ratan Lal Pasari,  
residing at 17, Ballygunge Park  
Road, Kolkata - 700019, one of the  
Executors and Trustees appointed  
in the Last Will and Testament of



the deceased abovenamed dated  
30<sup>th</sup> day of August 2014, most  
respectfully -

S H E W E T H :

1. The said Ratan Lal Pasari, the deceased above named lately residing at 17, Ballygunge Park Road, Police Station - Karaya, Kolkata-700019, who during his lifetime and at the time of his death was a Hindu inhabitant, governed by Mitakshara School of Hindu Law departed his life on the 8<sup>th</sup> day December 2016 at Premises No.17, Ballygunge Park Road Kolkata 700019, within the Testamentary Jurisdiction of this Hon'ble Court. A photo copy of his death certificate is annexed hereto and marked with the letter "A".
2. Prior to his death the deceased above named made and published his Last registered Will and Testament dated the 30<sup>th</sup> day of August 2014, in English language and character whereby he declared a trust and appointed one Chandra Kant Pasari and the petitioner herein as the Joint Executors and Trustees to his said last Will and Testament whereby and where under the Testator mentioned that the joint executors and the Trustees may act jointly or severally. The said original Will is annexed hereto and marked with the letter "B".
3. The execution of the said Will is proved by the declaration of Anand Prakash, Advocate, one of the attesting witnesses appearing at the





foot of this petition and also by his affidavit which is affirmed on 30<sup>th</sup> day of January, 2019 filed herewith.

4. Smt. Indu Devi Pasari, the wife of the deceased above named died on 3<sup>rd</sup> May, 2014.

5. The said deceased died leaving him surviving the following heirs and legal representatives and no one else who could have inherited the properties of the deceased had he died intestate under the Hindu Succession Act, 1956 :-

a)	Abhay Pasari,	:	Son
b)	Alok Pasari, both residing at 17, Ballygunge Park Road, Kolkata - 700019	:	Son

6. The aforesaid legal heir namely Alok Pasari has consented to the issue of the grant of Probate of the said last Will and Testament dated 30<sup>th</sup> day of ~~August~~ <sup>January</sup>, 2019 of the deceased abovenamed in favour of your petitioners.

7. The deceased abovenamed died leaving property both within and outside the testamentary jurisdiction of this Hon'ble Court to be administered unto and your petitioner as one of the Executors and Trustees named in the said Will and Testament of the deceased is desirous of obtaining from this Hon'ble Court grant of Probate to the said



Will with effect throughout the State of West Bengal.

8. The particulars of the estate of the deceased abovenamed likely to come to your petitioner's hands are set out in the Affidavit of Assets of your petitioners affirmed on 30<sup>th</sup> day of January, 2019. The value of such estate will not after deducting the liabilities to the best of your petitioner's information and belief, exceed the sum of Rs.703,41,433/- and the gross value thereof being the sum of Rs.703,43,433/-.

9. So far as your petitioner has been able to ascertain and is aware of, there are no property and effects other than those specified in the said Affidavit of Assets to come to your petitioner's hand and your petitioner has paid the Court Fees payable on the said grant.

10. No intimation has been received by this Hon'ble Court from any other High Court or any District Court in the State of West Bengal of any grant of Probate of any Will to the estate or Succession Certificate to the credits, and effects of the said deceased with effect throughout the State of West Bengal as appears from the Certificate of the Registrar of this Hon'ble Court annexed hereto and marked with the letter "C" and no application for grant of Probate of the said Will or Letters of Administration of the estate, credit and effects of the deceased above named has been made in any other court intended to have effect throughout the State of West Bengal.





11. Your petitioner has duly paid the ad-valorem duty payable in respect of the said estate as will appear from the Certificate of the Registrar of this Hon'ble Court hereto annexed and marked with the letter "D".

12. Your petitioner claims for grant of Probate in respect of the said Last registered Will and Testament of the deceased abovenamed dated 30<sup>th</sup> day of August, 2014 as one of the Executors named in the said Will.

13. This application is made bonafide and for the ends of justice.

Your petitioner, therefore, humbly prays Your Lordships for an order:-

a) The Probate in respect of the registered Will of the deceased dated 30<sup>th</sup> day of August, 2014 be granted to the petitioner as one of the Executors named therein limited to the estate mentioned in the said last Will and Testament with effect throughout the State of West Bengal without being required to furnish any security therefor.



b) Costs of an incidental to this application be paid out of the estate of the deceased abovenamed.

c) Such further order or orders be made and direction or directions be given as to this Hon'ble Court may deem, fit and proper.

And your petitioner, as in duty bound, shall ever pray.

Vishu Home Ltd  
by J. K. Parkhi

PETITIONER'S ADVOCATES

Abhay Pasari





I, ABHAY PASARI, son of the late Ratan Lal Pasari, residing at Premises No.17 Ballygunge Park Road Kolkata-700 019 petitioner abovenamed, do hereby declare that the statements contained in paragraphs 1 to 11 of the foregoing petition are true to the best of our knowledge, information and belief and those contained in paragraphs 12 and 13 thereof are our humble submission to this Hon'ble Court.

I sign this Verification at No.6, Old Post Office Street, Kolkata-700001, this the 30<sup>th</sup> day of January, 2019.

*Abhay Pasari*



I, ANAND PRAKASH, son of Giridhari Prasad, aged about 47 years, by faith Hindu, by Occupation Business residing at Flat 12A, Tower 2, South City Complex 375, Prince Anwar Shah Road, Kolkata 700068 one of the attesting witnesses to the registered Last Will and Testament dated the 30<sup>th</sup> day of August, 2014, of the deceased above named as mentioned in the above petition, do hereby declare that I was present at the time and saw when the Testator affixed his signature which is appearing at the foot of the every page including the attesting page Will in English Language. The said signatures were affixed in my presence and in presence of Sanjay Ginodia, the other attesting witness of the said Will of the deceased. Thereafter I and the said Sanjay Ginodia, the other attesting witness in presence of the said deceased and in the presence of each other and at the request of the said deceased affixed our respective signatures on the left hand side foot of the said Will as attesting witnesses.

Dated this 30<sup>th</sup> day of January, 2019.

Anand Prakash

