

1661 Year - 1997

388

Case No.

1997

17-6-2013

P.L.A. NO. 21 OF 2006

IN THE HIGH COURT AT CALCUTTA

TESTAMENTARY AND INTESTATE JURISDICTION



IN THE GOODS OF :

SAMIR KUMAR DEY, lately of No.17,  
Lake Temple Road, Calcutta-700029,  
Hindu Inhabitant, deceased.



5917

II - 388

28/10/06

A

Admissible under Regn. Rule 11  
duly stamped & exempt from  
or does not require stamp duty  
under the Indian Stamp Act  
1899 as amended in 1978  
Schedule III to the Process  
Act No. 19 of 1978

18.08

18.08

THIS IS THE LAST WILL AND TESTAMENT of me, SAMIR

KUMAR DEY son of Dr. Abani Kumar Dey by faith Hindu

10/11

by occupation service-holder and at present residing  
at no.17, Lake Temple Road, Calcutta - 700 029.

11/11/187

1.

I hereby revoke all my Wills and codicils and  
other testamentary dispositions of every kind  
if any at any time heretofore made by me and  
I declare this to be my last Will and Testament.

I declare that I am citizen of India and domiciled  
in India.

I hereby appoint my wife Smt. Rebecca Dey to be  
the sole executrix of this, my last Will.

NOT A TRUE ORIGINAL SIDE  
20 JAN 2006  
CALCUTTA

.. F/2.

10/11



RECEIVED  
JULY 17 1891  
AT 11 1/2  
AT 11 1/2



RETURNED FOR REGISTRATION  
11/20 A.M. PM. ON THE 9th  
day of Sept 1974 at  
Addl. Dist. Registrar Office  
at Alipore, Calcutta  
By Samir Kumar Roy  
Electron (Testator)  
Attorney No. for 10  
authenticated by the  
Registrar of

Executioner admitted  
Samir Kumar Roy  
Mr. R. Ravi Kumar Roy  
17 Lake Temple Road  
Cal. 22  
Thane  
Dist  
By Date  
Profession  
Signature for 48



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Bibek Roy  
Late Ananya Roy  
22 Avenue South  
Cal. 75  
Dist  
By Date  
Profession  
Signature for 48

Bibek Roy  
S/o Late Ananya Kumar Roy  
22 Avenue South Cal. 75  
Retired L.G.C. Employee



I have two sons who are married. This first one Sri

Soumitra Dey married to Smt. Sutapa Dey nee Bhattacharjee,

Daughter of Sri R.C. Bhattacharjee and younger Sri Santanu

Dey married to Sangita Dey nee Chakraborty, daughter of

late T. J. Chakraborty.

2. It is my wish and desire that after my death all my immovable and movable properties will be divided as follows :-

a. My wife, Smt. Rebecca Dey will get absolutely the residential house at 17, Lake Temple Road she will allow my two sons and their families to live in the said house, provided the said two sons and their families shall look after my wife - Smt. Rebecca Dey. My wife shall get all other immovables. After the death of my wife, the said property at 17, Lake Temple Road will be divided in three parts i.e. 1st part ground, garage, pathway and the vacant land and the 1st floor. The 2nd part consist of 2nd floor and the terrace, 3rd part consists of the mazarine floor, I leave and bequeath and give 1st part and 3rd part of the





9 SEP 1957



said premises no.17, Lake Temple Road, to my youngest son Sriman Santanu Dey and the 2nd part of the premises to my elder sons Sriman Soumitra Dey.

The stair case and the entrance passage will remain common, both of my sons can use the same jointly, no one can obstruct each other to use the same in common. My eldest son can use the pathway for his car parking space. Besides that other Water Line, basement, overhead and under ground reservoir, pump, sewerage will be enjoyed by the both of my sons in common and to maintain the same jointly. This arrangement will be made after the death of my wife before that my wife may induct tenant in the said 3rd part of the premises and shall collect rent from the said 3rd part of the premises for the purpose of maintenance and payment of taxes of the said premises before the death of my wife, my sons have no claim and any interest, right of the said premises. Any other immovable properties outside the State of West Bengal shall divided in two equal shares and ~~may~~





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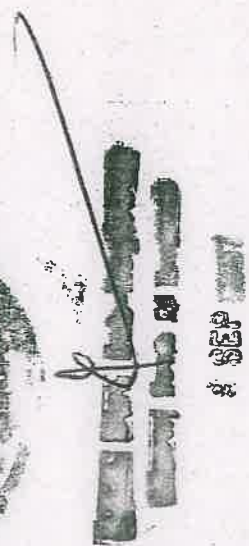


my two sons will get the same eaully i.e. one half undivided share each after the death of my wife. So long my wife will alive she will get the said immovable properties. My sons cannot claim the same before her death.

So far as my movable properties I bequeath and give to my wife Smt. Rebecca Dey and after her death my two sons namely (1) Soumitra Dey and (2) Santanu Dey will get one half undivided share of the said movable properties. Before the death of my wife she is entitled to all my estate movable and immovable and my two sons cannot claim any interest, right whatsoever save and except specifically provided in this will.

22 I direct that such sum shall be spent for my Sradh and funeral expenses in a solemnous manner without any pomp grandour. Subject to the payment of my funeral and testamentary expenses out of my estate,







I give devise and bequeath all the rest and residue of my estate both real and personal including all properties and asset whether movable and immovable of whatsoever kind and nature and whatsoever situate whether in possession reversion, remainder or expectancy or over which I may have power of disposition or appointment at the time of my death unto my wife the said Smt. Rebecca Dey to be held and enjoyed by her absolutely and for ever.

4. I give and bequeath all my shares to my wife and after my death she can transfer the shares of different companies in her own name and after the death of my wife the total shares will be given to my youngest son Sriman Santanu Dey who can transfer the said shares in this name. The hereditary coin collections will go to my elder son Sriman Soumitra Dey.

I direct that my executrix Smt. Rebecca Dey shall take all steps to obtain the probate of my will after my





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death and after obtaining probate and as soon as convenient to her to discharge and satisfy all testamentary expenses and my just debts and liabilities if any from my estate.

IN WITNESS WHEREOF I the said Samir Kumar Dey, have hereunto set and subscribed my name this 9<sup>th</sup>.... day of August, 1997.

SIGNED AND EXECUTED by the abovenamed  
*Samir Kumar Dey*

I, Samir Kumar Dey as my Last Will and Testament in the presence of us, all being present at the same time, and we at his request and in his presence and in the presence of each other have hereunto subscribed our names as witnesses :-

1) *Biswanath Chatterjee*  
*22 Avenue Road - Cal. 75*

2) *Asitkumar Chatterjee*  
*6/12/13*  
*6/12/13*  
*6/12/13*

*Biswanath Chatterjee*

Typed by :-  
Biswanath Chatterjee

CERTIFIED TO BE A TRUE COPY  
*Probate* *Re. Dey. 06.02.13*  
Authorised under Section 76 of  
the Indian Evidence Act, 1872  
(Act-1 of 1872)

① *Checked*  
*5/12/13*  
*Asitkumar Chatterjee*

(Vol. I of 1843)  
the Indian Evidence Act, 1843  
Amended under Section 10 of

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BOOK NO 111  
VOLUME NO. 13  
PAGES 99 TO 106  
SERIAL NO. 388  
IN THE YEAR 1922



2 SEP



A.D.S.R.  
Alipore  
21.11.97



DATED THIS 9<sup>th</sup> DAY OF Aug. 1997



W I L L O F

SRI SAMIR KUMAR DEY

W I L L

Mr Sayandev Sengupta, Advocate  
Bar Association, Room No.2  
High Court, Calcutta.



Leave is granted to  
Stamp and Punch Subject  
is - Serving by the Debt  
Shandh  
20.1.06

No caveat - Dr  
31/1/2006



P. L. A. NO. 21 OF 2005  
IN THE HIGH COURT AT CALCUTTA  
TESTAMENTARY AND INTESTATE JURISDICTION

P(5)  
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IN THE GOODS OF :

SAMIR KUMAR DEY,  
Late of No. 17, Lake Temple Road  
Calcutta- 700 029, Hindu Inhabitant,  
deceased.

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P E T I T I O N

11  
10.2.2006

Filed on the 21st day of  
January 2006

P(5)  
31.1.2006  
Must  
10.2.06  
Registrar.  
High Court Original Side  
Calcutta.

AMBAR NATH BANERJI,  
ADVOCATE,  
10, OLD POST OFFICE STREET,  
KOLKATA- 700 001.

P(4) Issued on 10.2.2006

21/1/06

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