

OD-6

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Testamentary and Intestate Jurisdiction
ORIGINAL SIDE

IA NO. GA/4/2023
In PLA/9/2010

IN THE GOODS OF
BINAPANI DAS (DECEASED)

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date: 28TH March, 2023.

Appearance:
Mr. Mukunda Lal Sarkar, Adv.
Mr. Sudip Deb, Adv.
...for the applicant.

Mr. Debasish Chattopadhyay, Adv.
Mr. Loknath Paul, Adv.
Mr. Tirthankar Basu, Adv.
...for the caveator/beneficiary

The Court: Counsel for the respective parties are present.

Counsel for the applicant has filed the instant application being GA No. 4 of 2023 praying for recall of the probate granted to the petitioner in PLA No. 9 of 2010.

Counsel for the respondent prayed for time to file affidavit in opposition. Let affidavit in opposition be filed within two weeks, affidavit in reply, if any, thereto be filed within a week thereafter.

Let the matter appear on 24th April, 2023.

Counsel for the applicant prays for an order of injunction restraining the respondent for dealing with or creating any third party interest over the property in question.

Counsel for the respondent submits that still the petitioner has not get any benefit in terms of the probate granted by this Court as the land has already been vested to the state and challenging the said action of the state, the respondent has filed writ petition and the writ petition is pending and thus, there is no question of creating any third party interest or alienating the property as alleged by the Counsel for the applicant.

In view of the submission made by the Counsel for the respective parties, this Court finds that there is no need to pass any interim order.

Counsel for the respondent is granted leave to file vakalatnama within a week from date.

Affidavit of service filed by the applicant be kept with the record.

(KRISHNA RAO, J.)

Sbghosh