

OD-1

ORDER SHEET

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

IA No. GA/2/2023
In
PLA/87/2015

IN THE GOODS OF:
RAMNARAYAN RATHI, DECEASED

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date : July 31, 2023.

Appearance:
Mr. Debdeep Sinha, Adv.
... for the petitioner

The Court: The matter is listed today as "To Be Mentioned".

Counsel for the petitioner submits that the petitioner has filed the present application being GA/2/2023 praying for recalling of the order dated 12th February, 2020 wherein GA/473/2019 was dismissed for default and also prayed for extension of time to file inventory and accounts in PLA/87/2015.

Counsel for the petitioner submits that by an order dated 22nd February, 2019, this Court has condoned the delay and granted leave to the applicant to file inventory and accounts in the department within a week from the date of the order. In compliance of the order dated 22nd February, 2019, the petitioner has filed the inventory and accounts but subsequently, the petitioner has not appeared in the matter though this Court has fixed the matter on 12th February, 2020 and accordingly, GA/473/2019 was

dismissed for default. When the petitioner has applied for certified copy of the order, the petitioner came to know that the petitioner has filed inventory and accounts but the same was not accepted by the department on the pretext that the inventory and accounts as filed by the petitioner was not affixed with proper court fee. When the petitioner came to know about the defects, the petitioner has filed the present application.

Considered the prayer made by the counsel for the petitioner. Perused the application and the grounds stated therein.

This Court finds that the petitioner has shown sufficient cause for non-appearance before this Court on the date fixed when the matter was dismissed for default and this Court also finds that an opportunity should be given to the petitioner to file a fresh inventory and accounts with proper court fee. Accordingly, prayers (a) to (c) of the Master's Summons are allowed.

GA/2/2023 is disposed of.

(KRISHNA RAO, J.)

RS