

ORDER SHEET

IA No. GA/4/2020
In PLA/143/2016
IN THE HIGH COURT AT CALCUTTA
ORIGINAL SIDE

IN THE GOODS OF:
KIRAN WADAN BHAGAT, DECEASED

BEFORE:
The Hon'ble JUSTICE DEBANGSU BASAK
Date: 8th December, 2020.

(Via Video Conference)

Appearance:
Mr. Prantik Ghose, Adv.

Mr. Surajit Nath Mitra, Sr. Adv.
Mr. Debjit Mukherjee, Adv.
Mr. Lal Ratan Mondal, Adv.
Mrs. Susmita Chatterjee, Adv.

The Court: The applicant seeks withdrawal of a probate proceeding for non-prosecution.

Learned senior advocate appearing for the caveator submits that, initially, an application for probate was filed before the Barasat Court in respect of the same property but of a different deceased. There the probate Court found that the application for grant of probate was on the basis of a forged document.

Learned senior advocate appearing for the caveator draws the attention of the Court to the fact that, in the present probate proceeding, probate was initially granted which was revoked on the application of the caveator. He relies upon

2000 Volume 5, 458 (K.S. Bhoopathy and Ors. versus Kokila and Ors.) and submits that, the Court should not allow the petitioner to withdraw the probate proceeding when the petitioner is unable to show sufficient cause for the same.

In the facts of the present case, it would be appropriate to permit the parties to file affidavits.

Let affidavit in opposition be filed within December 10, 2020 as it is submitted that the affidavit is already affirmed and served upon the petitioner.

Reply, if any, within December 18, 2020. List the application under the heading “Chamber Application for Final Disposal” on December 22, 2020.

(DEBANGSU BASAK, J.)

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