

OD-81

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY AND INTESTATE JURISDICTION
(Via Video Conference)

IA No.: GA/4/2021
In PLA/325/2014

IN THE GOODS OF:
PRIYARANJAN JANA (DECEASED)

BEFORE:
The Hon'ble JUSTICE DEBANGSU BASAK
Date: 9th April, 2021.

Appearance:
Mr. Tapan Coomaar Dey, Adv.
Ms. Shreya Chatterjee, Adv.

Mr. Tapas Kr. Dey, Adv.

The Court :- In this application, the applicant seeks revocation of a probate granted.

Leaned Advocate appearing for the applicant submits that, the propounder of the Will was the Manager of a hotel owned by the deceased. Citation of the application for grant of probate was not served upon the applicant. There are other infirmities in the grant. He submits that, the propounder is dealing with the assets of the deceased in the manner which is causing prejudice to the heirs and legal representatives of the deceased. He seeks an order of injunction restraining the propounder from dealing with the assets of the deceased in any manner whatsoever.

The propounder is represented.

He submits that, the probate was granted on April 7, 2017. He submits that, the citation was sought to be served when the widow of the deceased refused to accept the same. A publication was effected in the newspaper. The widow of the deceased did not contest the grant of the probate.

The applicant before Court is the widow of the deceased. It is the claim of the applicant that, the citation was not served upon the applicant. Such issue is required to be considered. In such circumstances, it would be appropriate to permit the parties to file affidavits.

Let affidavit-in-opposition be filed within four weeks from date. Reply thereto, if any, be filed within two weeks thereafter.

List the application under the heading "Chamber Application for Final Disposal" six weeks hence.

It is contended on behalf of the propounder that, the asset of the deceased coming into the hands of the propounder stands dealt with.

This contention is denied on behalf of the applicant.

The estate of the deceased requires protection and preservation. It would therefore be appropriate to restrain the propounder from creating third party interest over any of the assets of the deceased in any manner whatsoever until further orders.

(DEBANGSU BASAK, J.)