

16.12.2020
(S/L-01)
Ct.-18
(Susanta)

C.O. 705 of 2020

Kohinoor Chakraborty
-Vs-
Bhaswti Chattopadhyay & Anr.

Mr. Arun Kumar Das,
..... For the Petitioner.

The order proposed to be passed in the present application under Article 227 of the Constitution of India would not cause any prejudice to the opposite parties, as such, service of notice of the present revisional application upon the opposite parties is dispensed with.

The petitioner is the executor of the alleged last Will and testament of one Sitangsu Sekhar Chakraborty.

The petitioner after the death of the said testator applied for grant of probate of the said Will.

The application for grant has become contentious and the same is pending before the Court of Learned Additional District Judge at Howrah, being Probate Suit No. 51 of 2016.

The grievance of the petitioner is that the disposal of the suit is being unnecessarily delayed.

The learned Counsel for the petitioner submits that the cross-examination of P.W.1 is going on but the same has not yet been concluded due to the dilatory tactics adopted by the opposite parties.

He, therefore, prays a direction upon the learned Trial Judge for expeditious disposal of the said probate suit.

The Courts are resuming normal functioning solely during this COVID-19 pandemic period. At this stage direction as prayed for is not warranted.

This Court, however, hopes and trusts that the learned Trial Judge shall make all endeavour to dispose of the probate proceeding no. 51 of 2016 expeditiously without granting any unnecessary adjournment to either of the parties.

C.O 705 of 2020 is disposed of with the above terms.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)