

4
SK
Ct. No. 18
14.01.2021

**C.O. No. 25 of 2021
(Via Video Conference)**

**Surojit Bhowmik
Vs.
Renuka Bhowmick & Ors.**

Mr. Rafikul Islam Sardar ... 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 application upon the opposite parties is dispensed with.

The petitioner is the executor of the alleged last Will and testament of one Trailokya Nath Bhuiya and on the death of the said testator the petitioner applied for grant of probate of the said Will.

The predecessor-in-interest of the opposite parties objected to the said grant, as a consequence thereof the application for grant is pending before the 2nd Court of learned Additional District Judge, Howrah as contentious cause being Probate Suit No. 11 of 2001.

The said objector, the predecessor-in-interest of the opposite parties died during the pendency of the said probate suit.

The opposite parties have been substituted in the said probate suit and by filing an application on September 11, 2018 they have given their assent to the said grant.

The petitioner complains that in spite of such position of the matter, the disposal of the probate suit is being unnecessarily dragged.

On perusal of the order sheet of the said probate suit annexed to the revisional application, it appears that the learned trial Judge is fixing the dates for O.Pw.

This Court although is reluctant to give any direction for disposal of a lis within a specific time as the Courts are slowly resuming normal functioning during this Covid-19 pandemic period, but considering the age of the suit and the stage it has already reached, this Court desires and expects that the 2nd Court of learned Additional District Judge, Howrah shall make all endeavour to dispose of the Probate Suit No. 11 of 2001 expeditiously, preferably within a period of six months from the date of communication of this order.

Needless to say, that in doing so the learned trial Judge shall not entertain prayer of the parties for any unnecessary adjournment.

C.O. 25 of 2021 is disposed of with the above terms.

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.)