

22.03.2021
(S/L-04)
Ct.-18
(Susanta)

(Via Video Conference)

CO 710 of 2021

Rahul Samonta
-Vs-
Smt. Manju Samonta & Ors.

Mr. Arijit Bardhan,
Mr. Rishav Dutta Gupta,
..... For the Petitioner.

Mr. Suranjan Mandal,
..... For the Opposite Parties.

The petitioner is the named executor of the alleged last Will and Testament of one Biswajit Samanta.

The prayer of the petitioner for grant of probate of the said Will has become a contentious cause on the objection being raised by the opposite party no. 1, 2, 3 and 4 to the said prayer of the petitioner.

The cause is pending before the 13th Court of Learned Additional District Judge at Alipore, District 24-Parganas (south) being original Suit no. 8 of 2017.

The petitioner in the said suit has filed an application praying that some amount from the bank account and fixed deposits of the deceased be transferred to his account enabling him to pay to the Kolkata Municipal Corporation the

outstanding property tax of the immovable property covered under the Will by availing the waiver scheme of the Kolkata Municipal Corporation.

Mr. Bardhan, learned counsel appearing on behalf of the petitioner submits that the said scheme is available till March 31, 2021 but the learned Trial Judge has fixed the hearing of the said application on April 13, 2021.

He, therefore, prays that the 13th Court of Additional District Judge at Alipore or Judge-in-Charge of the said Court may be directed to dispose of the said application before March 31, 2021.

Mr. Mandal, learned advocate appearing on behalf of the opposite party nos. 1, 3 and 4 submits that there is no impediment in disposal of the said application since his clients have already filed their written objection to the said application.

To avail the subsisting waiver scheme, the arrear tax of the immovable properties covered under the Will since is required to be paid before March 31, 2021, it is, therefore, necessary that the said application is disposed of before the said date.

C.O. 710 of 2021 is disposed of by requesting the 13th Court of learned Additional

District Judge, Alipore, District 24- Parganas (South) or Judge-in-charge of the said Court to dispose of the said application on any date convenient to him prior to March 31, 2021.

It is made clear that this Court has not gone into the merit of the said application; the learned Trial Judge is free to decide the same in accordance with law.

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.)