

12. 30.11.2021
Ct. No.21
A.B.

C.O. 1456 of 2021

Smt. Swarupa Biswas

-Versus-

Sri. Prabhat Chandra Biswas & Ors.

(Through Video Conference)

Mr. Satyam Mukherjee

...for the Petitioners.

The petitioner files affidavit of service along with receipts and track reports which show due service of notice of this case on the Opposite Parties. None appear on behalf of the Opposite Parties.

Learned advocate for the petitioner submits that the husband of the petitioner had filed a case for probate in the court of Ld. District Judge, North 24 Parganas in the year 2002. During the pendency of such case the sole executor and beneficiary Debasish Biswas, husband of the present petitioner died. After she being substituted made an application for conversion of probate case to proceeding for grant of Letter of Administration. In such proceeding Opposite Parties No. 1, 4 to 9 appeared and filed written objection. Then the case was transferred to the Court of Additional District Judge, 1st Court, Barasat, for disposal. Ld. Court below instead of hearing the matter has been mechanically fixing dates and due

to which there is delay in disposal of the case pending since 2002.

Therefore, he prays necessary order may be passed directing the learned Additional District Judge, 1st Court, Barasat, for expeditious disposal of Original Suit no. 17 of 2019 without granting any further adjournment.

Since the petitioner has prayed for expeditious hearing of Original Suit no. 17 of 2019, there is no possibility of causing any prejudice to the opposite parties.

Further, having regard to the nature of relief claimed, I see no reason to put the opposite parties on notice. Service of notice on the opposite parties is dispensed with.

Accordingly, C.O.1456 of 2021 is disposed of with a request to the learned Additional District Judge, 1st Court, Barasat, for expeditious disposal of Original Suit no. 17 of 2019 in any event within a period of six months from the date of communication of this order on priority basis as the matter dates back to 2002.

There will be no order as to costs.

All parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Kesang Doma Bhutia, J.)