

CO No.1547 of 2021

Siddhartha Dutta
-vs-
Shanti Dutta

Mr. Manas Kumar Das
... for the petitioner

The Court is approached under Article 227 of the Constitution of India soliciting a direction to ensure expeditious disposal of Probate Case no. 8 of 2019 now pending before the Learned Civil Judge (Junior Division), 2nd Court at Kandi, Murshidabad.

Learned advocate representing the petitioner submits that the Probate case was instituted in the year 2019 and service, thereafter, has been made complete, but till date the proceeding has not been concluded. Referring to the pendency of the proceeding, the learned advocate for the petitioner submits that direction, as proposed to be made in this case, is relatable to a non-consensus probate proceeding. The movement of the probate proceeding is not up to the desirable extent, as a result of which the petitioner has been made to face undue hardship.

In view of the nature of the order proposed to be made in this case, the Court is of the view that the case may be disposed of without inviting presence of the opposite party. Accordingly, service upon the opposite party stands dispensed with.

The learned Civil Judge (Junior Division), 2nd Court at Kandi, Murshidabad in Probate Case no. 8 of 2019 is directed

to dispose of the pending probate proceeding as expeditiously as possible preferably within June 2022.

The petitioner is directed to make communication of this order to the Learned Court Below as well as to the opposite party and the learned advocate so that both the parties may come prepared ready for effective utilization of the date scheduled by the Learned Court Below. In doing such exercise, the Learned Court Below is requested to regularize the record and fix/schedule date upon notice to both sides and ensure expeditious disposal of the pending probate proceeding.

With the above directions and observations, the civil revisional application being CO 1547 of 2021 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis upon completion of requisite formalities.

(Subhasis Dasgupta, J.)

