

(16)
11.01.2021
(p.jana)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

(Via Video Conference)

CO 1372 of 2020

Mr. Omprakash Sukhwani
-versus-
Mahesh Kumar Sukhwani

Mr. Saptarshi Guha, ... for the petitioner.

Mr. M.M. Verma, ... for the opposite party.

Learned counsel appearing for the petitioner files the certified copy of the order impugned which is taken on record.

Affidavit of service filed in Court today be also kept with the record.

The petitioner is the executor of the alleged last Will and Testament of his father Kakkumal Sukhwani @ Kakkmal Sukhwani dated October 04, 2016.

The petitioner, after the death of his father applied for grant of probate of the said Will which gives rise to Probate Case No. 64 of 2017 before the Learned District Delegate, Burdwan.

In the said suit one of the beneficiaries of the said Will has filed one application for removal of the petitioner from the office of the executorship. The petitioner complains that the

learned trial Judge should not have entertained the said application as the same is misconceived.

The application is still pending adjudication, it is always open for the parties to question the maintainability of the said application before the Learned Trial Judge.

C.O. 1372 of 2020 is dismissed as pre-matured. However, there shall be no order as to costs.

It is made clear that I have not gone into the merit of the claims and counterclaims of the parties. The learned Trial Judge is free to decide the said application in accordance with law.

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

(Biswajit Basu, J.)