

ORDER SHEET  
IN THE HIGH COURT AT CALCUTTA  
CIVIL APPELLATE JURISDICTION  
ORIGINAL SIDE

APO 63 OF 2020  
TS 3 OF 2017  
(IA NO.GA/1/2020, GA/2/2020)  
RE- JAGDISH PRASAD TULSHAN (DEC)  
AND  
MALATI TULSHAN  
VERSUS  
ABHISHEK AGARWALLA & ANR.

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BEFORE:  
The Hon'ble JUSTICE I.P. MUKERJI  
AND  
The Hon'ble JUSTICE MD. NIZAMUDDIN  
Date : 19<sup>th</sup> January, 2021

Appearance :  
Mr. Siddharta Banerjee,  
Mr. P.K. Hazra,  
Mr. Sailenranath Chakraborty,  
Mr. K. Bhattacharya, Adv.,  
for the appellant/applicant.

Mr. Sakya Sen,  
Mr. Sukrit Mukherjee,  
Mr. Shiv Ratan Kakrania, Advs.,  
for the respondent.

The Court : We do not find any reason to keep these appeals pending as in our opinion pendency of these appeals will interfere with the timely disposal of the application for grant of probate and also create unnecessary controversy.

The learned single Judge by the impugned judgment and order has observed that the subject-matter of the applications before his lordship was more or less identical to the subject-matter of earlier applications by the same applicant which were disposed of at an earlier point of time by this Court reserving the points raised therein to be decided in the probate proceeding.

We find nothing on record which would impel us to interfere with those findings on the basis of which the present applications (GA 3233 of 2018 and GA 3234 of 2018) were dismissed by the learned single judge.

We are told that issues have already been framed in the trial court.

On the prayer of Mr. Banerjee, we direct that copies of the death certificates of the deceased two executors be furnished to Mr. Banerjee's Advocate-on-Record by Mr. Sen's Advocate-on-Record within a week from date.

Any interested party may maintain an application, if the facts so warrant for removal of the administrator pendente lite and his replacement by another administrator, before the learned single judge.

We request the learned single judge to try and determine the probate application as expeditiously as possible subject to the convenience of the Court.

The appeals (APO 63 of 2020 and APO 64 of 2020 together with GA 1 of 2020 and GA 2 of 2020) are disposed of.

(I.P. MUKERJI, J.)

(MD. NIZAMUDDIN, J.)