

ALP No. 12 of 2020
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION

PARTHA SARATHI GHOSH
VERSUS
SMT. BANI DAS (GHOSH) AND ANR.

BEFORE:
The Hon'ble JUSTICE DEBANGSU BASAK
Date: 12th January, 2021.

(Via Video Conference)

Appearance:
Mr. Mainak Bose, Adv.

Mr. Sabyasachi Sen, Adv.
Mr. Sourav Dutta Majumder, Adv.

Mr. Nilanjan Bhattacharjee, Adv.
Mr. Ravi R. Kumar, Adv.
Mr. Saket Sharma, Adv.

Mr. Mit Guha Roy, Adv.

The Court :- By this application under Clause 13 of the Letters Patent, 1865 the petitioner seeks transfer of Probate Case no. 42 of 2011 pending before the learned District Delegate at Howrah.

Learned Advocate appearing for the petitioner submits that, the probate proceedings are pending since 2011. Although the plaintiff is examining his 2nd witness, there is hardly any progress made in the proceedings since 2019. He submits that, in the event the Court is not pleased to transfer the probate proceedings before this Court for trial court then at least a direction for expeditious disposal of the probate proceedings be granted.

Both of the respondents are represented by their respective Advocates in Court.

Learned Advocates for the respondents submit that, it is the petitioner who as the plaintiff in the probate proceedings is not complying with the order passed by the learned Court. They submit that, none of the respondents delayed the disposal of the probate proceedings.

Pandemic conditions in the country still prevail. However, Courts are not functioning to the extent possible. The Court is informed that, there is no impediment in the matter being taken up for hearing by the learned District Delegate at Howrah. Learned Advocates for the parties agree that, they will co-operate with the District Delegate in expeditious disposal of the probate case.

In such circumstances, it would be appropriate to request the learned District Delegate at Howrah to dispose of the Probate Case no. 42 of 2011 as expeditiously as possible and preferably within eight months from the date of communication of this order. No doubt, the parties, and the District Delegate will observe and comply with the relevant Covid-19 guidelines at the material point of time.

At the invitation of the learned Advocate for the petitioner, learned District Delegate is requested not to grant any adjournment to the plaintiff.

ALP No. 12 of 2020 is disposed of accordingly.

(DEBANGSU BASAK, J.)