

OD-2

ORDER SHEET
ALP/4/2021
IN THE HIGH COURT AT CALCUTTA
Extra-Ordinary Civil Jurisdiction
ORIGINAL SIDE

BEDATROYI BAGCHI
VS
SREERADHA PAL AND ORS.

BEFORE:

The Hon'ble JUSTICE SHEKHAR B. SARAF

Date : 17TH NOVEMBER, 2021.

Appearance :
Mr. S. Dutt, Adv.
Ms. S. Chakraborty, Adv.
...for the petitioner/applicant

Mr. A. Bose, Adv.
Mr. C. Chatterjee, Adv.
Mr. D. Mandal, Adv.
...for the respondent No.1

Mr. N. Debnath, Adv.
Mr. A. K. Boral, Adv.
Mr. A. Choudhury, Adv.
...For the respondent No.5

Mr. P. K. Mukherjee, Adv.
...For the respondent No.7

The Court : This is an application for transfer of T.S No.60 of 2005 (Bedatroyi Bagchi Vs. Sreeradha Pal & Ors) pending before the Court of 9th Civil Judge (Senior Divison) at Alipore.

Learned Counsel appearing on behalf of the petitioner/plaintiff has placed the petition before me wherein it appears that unnecessary adjournment have been sought by the defendants especially defendant No.1 and her cross-examination is not concluding due to the same.

Learned Counsel appearing on behalf of the defendant No.1/respondent No.1 submits that a probate proceeding bearing No. O.S 54 of 2019 is also pending wherein the plaintiff/petitioner has entered appearance and the probate proceeding has been marked as contentious suit. He submits that this probate proceeding may be clubbed along with the present suit and both matters be tried together.

Learned Counsel appearing on behalf of the petitioner herein has no objection to the same and, accordingly, direction is given to the Trial Court to club the probate proceeding and the present title suit together and hear the same expeditiously.

It is to be noted that since the plaintiff is a very old lady, the suit is required to be tried expeditiously and keeping the same in mind the cross-examination of the defendant No.1 may be allowed by the Trial Court for a longer period on each date so that the same can be concluded expeditiously.

Keeping the advanced age of the plaintiff in mind, the Trial Court is directed to hear both the probate and the title suits and disposed of the same expeditiously.

ALP No.4 of 2021 is disposed of accordingly.

(SHEKHAR B. SARAF, J.)