

12.04.2022
Item No.5
Ct. No.7
CHC
(disposed of)

**C.O.429 of 2022
(Physical Hearing)**

**Dipika Nandy
Vs.
Arun Kumar Dasgupta**

Mr. Shibaji Kumar Das,
Ms. Rupsa Sreemani
...for the petitioner

A direction to secure expeditious disposal of a Probate proceeding being O.S. No.25 of 2012, now pending before Learned Additional District Judge, Fast Track Court No.3, at Barrackpore, is the ultimate relief sought for in this case.

Mr. Das, learned advocate appearing for the petitioner upon referring long pendency of this Probate case submits that issues in this case have already been framed in 2015, and petitioner in the meantime has examined four witnesses, while the opposite party has examined two witnesses. There are two further witnesses, still left to be examined by opposite party, but the same has not been completed, resulting in protraction of trial of the instant Probate case.

The only contention expressed by Mr. Das is the delay caused in the disposal of Probate case.

In view of the nature of order proposed to be made in this case, no prior notice upon the opposite party is considered to be necessary. Service upon the opposite party, is, thus dispensed with.

Accordingly, learned Additional District Judge, Fast Track Court No.3, at Barrackpore, North 24 Parganas, in connection with O.S. No.25 of 2012, is requested to ensure expeditious disposal of the pending Probate case referred hereinabove, providing sufficient opportunity of hearing to either of the parties to this case, but without granting any unnecessary adjournment, unless it is extremely unavoidable.

While endeavouring such exercise, the year of institution of this Probate case may be taken into account by the learned court below, and the learned court below may proceed with the disposal of the case in the manner, as situation of the case would demand, so as to dispense with the justice in a best possible manner.

Petitioner is directed to make communication of this order to the opposite party and his learned advocate appearing in the court below for the opposite party as well as the learned court below.

With this observation/directions, the revisional application stands disposed of.

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)