

06.04.2022  
Item No.19  
Ct. No.7  
CHC  
(disposed of)

**C.O.677 of 2022  
(Physical Hearing)**

**Smt. Maya Basu Ray  
Vs.  
Dr. Bishakha Basu Ray & ors.**

Mr. Amit Kumar Nag,  
Mr. Soumava Mukherjee  
...for the petitioner

A direction to secure expeditious disposal of an interlocutory application filed by defendants No.2(a) – 2(c) advancing a counter claim is the ultimate relief, sought for in this case.

Such counter claim, according to learned advocate for the petitioner, has been made on 31<sup>st</sup> January, 2022 in connection with the instant litigation praying for grant of probate of Last Will and testament vide Original Suit No.54 of 2012 of learned Additional District Judge, 13<sup>th</sup> Court, at Alipore.

It is contended by the learned advocate for the petitioner that two witnesses have already been examined, and during the continuance of the cross-examination of the P.W.2, the defendants No.2(a) – 2(c) suddenly woke up and filed counter claim in the pending litigation. The probate proceeding is thus getting delayed for the pendency of such interlocutory

application, based on counter claim filed by respondents/defendants, referred hereinabove.

In view of the nature of the order proposed to be made, prior service of notice upon the opposite parties, is considered to be not necessary. Service of notice upon the opposite parties is thus dispensed with.

Accordingly, learned Additional District Judge, 13<sup>th</sup> Court, at Alipore in connection with Original Suit No.54 of 2012 is requested to ensure expeditious disposal of interlocutory application, based on counter claim, 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 the probate proceedings may be taken into account, and the learned court below may proceed with the disposal of the probate proceeding in the manner, as situation of the case would demand, so as to dispense with justice in the best possible manner, after causing disposal of interlocutory applications.

With this direction/observation the revisional application stands disposed of.

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

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.)**