

19.04.2022
24
ct. no. 7
sb

**C.O 859 of 2022
(Physical Hearing)**

**Sri Dilip Das & Anr.
-vs-
Smt. Chhya Das @ Gupta**

Mr. Amitabha Ghosh
Sk. Sujauddin

...for the petitioners

A direction to secure expeditious disposal of Misc. Case no. 66 of 2022 filed under Section 263 of the Indian Succession Act, 1925 now pending before the learned District Judge, Barasat, North 24 Parganas, is the ultimate relief as sought for in this case.

Learned advocate for the petitioners submits that on the strength of an ex parte probate being granted, an eviction suit has been instituted, wherein ex parte decision has been rendered. The ex parte decree subsequently, has been put into the execution, and ultimately, the petitioners are no more in possession of the suit property.

In the meantime, the application under Section 263 of the Indian Succession Act, 1925 praying a revocation of the probate has been filed on 8th March, 2022.

Learned advocate for the petitioners candidly submits that the prayer for stay has been refused in the pending revocation case. Upon referring of such factual background, learned advocate for the petitioners proposes for expediting the revocation case.

In view of the nature of the order proposed to be made in this case, no prior notice is considered to be necessary.

The service upon the opposite party is thus dispensed with, so far as the present revisional application is concerned.

Upon perusal of the photocopy of the orders passed by the learned Court below, annexed with the instant revisional application, it appears that the learned Court below is passing through the stage of service of summons.

Accordingly, the learned District Judge, Barasat in Misc. Case no. 66 of 2022 is requested to ensure the expeditious disposal of pending Misc. Case referred hereinabove, after adhering to the formalities under the law, and providing sufficient opportunities of hearing to both the parties, but without granting any unnecessary adjournment to either of the parties, unless it is extremely unavoidable.

The petitioners are directed to communicate this order to the learned Court below, opposite party and their advocates as well.

With these directions and observations, this revisional application stands disposed of.

Urgent photostat certified copy of this order duly applied for, be given to the parties upon compliance of all requisite formalities.

(Subhasis Dasgupta, J.)