

Item 30. 19-05-2022

FMAT 159 of 2022
CAN 1 of 2022

^{sg} Ct. 8

Sayantana Acharjee
Versus
Prabuddha Sanyal

Mr. K.K. Ganguly, Adv.

...for the appellant

Ms. Malabika Roy Dey, Adv.

...for the respondent

The petitioner claimed to be residing at AD-319, Salt Lake, Sector-1, P.S. Bidhan Nagar (N), Kolkata. The petitioner has disclosed his Aadhaar Card where the residential address of the petitioner is disclosed. The petitioner apprehends that on the basis of the Probate/Letters of Administration granted in favour of Prabuddha Sanyal, the maternal uncle of the applicant, he may be dispossessed from the suit property. It is further submitted that the petitioner has recently come across a Will wherefrom it would appear that the entire property was bequeathed in favour of him. However, the petitioner did not apply for grant of probate of the said Will. The petitioner has filed an application for revocation of the Probate/Letters of Administration. The claimant claiming the said Will as the last Will and testimony of his grandmother.

The only interim order that we propose to pass at this stage, is that the petitioner shall not be evicted without due process of law.

The learned Trial Court is requested to dispose of the application for revocation of the grant as expeditiously as possible without granting any adjournments to either of the parties unless it

is unavoidable.

This interim order shall continue till the disposal of the revocation application.

The opposite party shall file his written objection to the revocation application within three weeks from date. Reply thereto, if any, be filed within two weeks thereafter.

The learned Trial Judge shall decide and dispose of the said application for revocation on merits preferably within a period of six weeks from the date of completion of the pleadings.

The appeal and the application are, accordingly, disposed of.

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

(Ajoy Kumar Mukherjee, J.)

(Soumen Sen, J.)