

17.01.2022
(S/L-07)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 2230 of 2021

In Re: Rajesh Kumar Kankaria
..... Petitioner/Executor.

Mr. Kishore Mukherjee,
Mr. Sankha Subhra Ray,
.... For the Petitioner.

Leave is granted to Mr. Sankha Subhra Ray, learned advocate for the petitioner to implead the left out parties to the present revisional application.

The order proposed to be passed in the present revisional application under Article 227 of the Constitution of India would not cause any prejudice to the opposite parties, as such, service of notice of the present application upon the said opposite parties is dispensed with.

The petitioner is the named executor of the alleged last Will and Testament of one Chinmoyee Bose.

The petitioner has applied for grant of probate of the said Will before the learned District Delegate, Barasat, District, 24-Parganas (North) being Misc. Case No. 185 of 2018 (Probate).

At the time of issuance of notice, it was detected that the learned District Delegate, Barasat has no jurisdiction to grant probate of the said Will inasmuch as the testatrix died beyond the territorial jurisdiction of the said Court and the property covered under the Will is also situated beyond the said jurisdiction of the said Court.

The petitioner, under such circumstances, applied for withdrawal of the said proceeding as well as for return of all documents including the Will with the intent to file the application for probate before the appropriate Court having jurisdiction.

The petitioner complains that the said application is pending since December 2020.

C.O. 2230 of 2021 is disposed of by requesting the learned District Delegate, Barasat, District, 24-Parganas (North) to disposed of the said application of the petitioner in accordance with law as expeditiously as possible preferably within one effective available working month of the said Court from the date of communication of this order.

There shall be no order as to costs.

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

(Biswajit Basu, J.)