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Ct. 18
15.03.2022

C.O. No. 3767 of 2019
I.A. No : CAN 1 of 2022

Miss Kanan Saha & Anr.
Vs.
Smt. Mithun Das

Mr. Santanu Das ... For the petitioners.

Mr. Rabi Sankar Chattopadhyay,
Mr. Soumen Bandhapadhyay,
Mr. Sayan Chattopadhyay,
Mr. Arabinda Maji,
Mr. Rokon Ali ... For the opposite party.

Re : I.A. No : CAN 1 of 2022

This is an application for expunging the name of the petitioner no. 2, who has died intestate during the pendency of the revisional application.

It is stated in the application that the petitioner no. 2 has died intestate, except the petitioner no. 1, the petitioner no. 2 has left no other heirs and legal representatives.

Under such circumstances, the name of the petitioner no. 2 be expunged from the cause title of the present revisional application.

The department is directed to amend the cause title of the revisional application by expunging the name of the petitioner no. 2.

I.A. No : CAN 1 of 2022 is disposed of without any order as to costs.

Re : C.O. 3767 of 2019

The petitioner is objecting to the grant of probate of the alleged last Will and testament of one Jagadish Chandra Saha. The petitioner happens to

be the full blood sister of the testator. The said probate case being Original Suit No. 18 of 2018 is pending before the 2nd Court of learned Additional District Judge at Sealdah, District – 24 Parganas (South).

The learned Trial Judge by the order impugned being Order No. 6 dated June 26, 2019 has dismissed an application filed by the petitioner for taking off the suit from the ex parte board and also refused to accept the written statement filed by the petitioner 41 days beyond the prescribed period of limitation.

In view of the nature of the proceeding and for ends of justice, the delay in filing the written statement is condoned but subject to payment of costs of Rs. 20,000/- to be paid by the petitioner in favour of the High Court Legal Services Committee, Calcutta within a week from date.

The order impugned is set aside.

The written statement filed by the petitioner be accepted and the suit be proceeded in accordance with law.

C.O. 3767 of 2019 is disposed of with above terms.

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

(Biswajit Basu, J.)