

IN THE HIGH COURT AT CALCUTTA
In Appeal from its
TESTAMENTARY & INTESTATE JURISDICTION
CIVIL APPELLATE JURISDICTION

I. A. No. GA 1 of 2022
APO No. 23 of 2022
with
PLA No. 327 of 2021
In the goods of:
Om Prakash Maniyar (Deceased)

And

I. A. No. GA 1 of 2022
APO No. 24 of 2022
with
PLA No. 327 of 2021
In the goods of:
Om Prakash Maniyar (Deceased)

And

Dheeraj Maniyar
Versus
Subhas Maniyar & Anr.

Before:

The Hon'ble Justice I. P. MUKERJI

And

The Hon'ble Justice ANIRUDDHA ROY

Date: 26th April 2022

Appearance:

Mr. Rajarshi Dutta, Advocate
Mr. V. V. V. Shashtri, Advocate

Mr. S. K. Kapur, Sr. Advocate
Mr. Dhruba Ghosh, Advocate
Mr. Sakya Sen, Advocate
Mr. Varun Kedia, Advocate
Mr. Altamash Alim, Advocate
for respondent no. 1

Mr. Abhrajit Mitra, Sr. Advocate
Mr. Rachit Lakhmani, Advocate
Mr. Shantanu Chatterjee, Advocate
Mr. Vishwarup Acharyya, Advocate
Mr. Sourav Ray, Advocate
for the appellant in APO 24/2022

The Court: We have heard learned counsel for the parties.

We are of the view that the interim application before the learned trial court should be disposed of.

Mr. S. K. Kapur, learned senior advocate submits that his client's affidavit-in-opposition before the learned trial court is ready.

We allow his advocate-on-record to file the same in the department by tomorrow i.e. 27th April 2022. A copy thereof shall be served on Mr. Rajarshi Dutta's advocate-on-record by tomorrow. His client may file his affidavit-in-reply by 3rd May 2022.

Leave is granted to the respondent no. 2 to file an affidavit. The other parties may file a response thereto by 2nd May 2022. The said affidavits may be used before the learned trial court.

We request the learned single judge to suitably adjourn the interim application to a date immediately after 3rd May 2022 and hear it out as early as possible.

Our interim order dated 14th February 2022 shall continue till 18th May 2022, subject to vacation, modification or extension that may be directed by the learned single judge on appreciation of the case of the parties.

All points are kept open before the learned trial court.

The appeals and the applications are disposed of.

(I. P. MUKERJI, J.)

(ANIRUDDHA ROY, J.)