

ORDER SHEET
APOT/80/2022
WITH
TS/7/2021
IA NO: GA/1/2022
IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

IN THE GOODS OF SURENDRA NATH SAHA AND RAMESH CHANDRA SAHA
VS
DAMODAR SAHA

BEFORE:

The Hon'ble JUSTICE I. P. MUKERJI

The Hon'ble JUSTICE ANIRUDDHA ROY

Date : 13TH MAY, 2022.

Appearance :
Mr. Surajit Nath Mitra, Sr. Adv.
Mr. R. Dutta, Adv.
Mr. J. D. Roy, Adv.
...For the appellant

Mr. Debnath Ghosh, Adv.
Mr. Ganesh Prasad Shaw, Adv.
Mr. Gaurav Kumar, Adv.
...For the respondent

The Court : We admit the appeal.

As the point involved is very short, we propose to hear it out and dispose of it today.

We grant liberty to the appellant to take such steps as may be available to him in law to amend the affidavit of assets. Any disposition of property by the respondent Damodar Saha represented by Mr. Debnath Ghosh, learned advocate, which may fall within the amended affidavit of assets, shall strictly abide by the outcome of the probate proceedings.

The appellant is also given leave to challenge any such transfer in accordance with law.

The impugned judgement and order of the learned single judge dated 25th March, 2022 is modified to the above extent.

The proceedings may continue before the learned single judge after exchange of affidavits.

The appeal (APOT No.80 of 2022) and the stay application (IA No. GA No.1 of 2022) are, accordingly, disposed of.

(I. P. MUKERJI, J.)

(ANIRUDDHA ROY, J.)