

OD-2

ORDER SHEET

PLA/33/2019

IN THE HIGH COURT AT CALCUTTA
Testamentary & Intestate Jurisdiction
ORIGINAL SIDE

IN THE GOODS OF:
MOHAMMED AURANGZEB KHAN (DEC.)

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date : October 6, 2023.

Appearance :
Mr. Arindam Paul, Adv.
Ms. Parna Mukherjee, Adv.
Ms. Ankita Sikder, Adv.
... for the petitioner

The Court: The matter is listed today as "To Be Mentioned" on the prayer made by the counsel for the petitioner.

Counsel for the petitioner submits that after filing of the present application being PLA/33/2019, the department has noted several defects and after going through the defects, as noted by the department, the counsel for the petitioner is of the view that until and unless the application is withdrawn and if liberty is not given to the petitioner to file afresh by curing the defects, the petitioner will be badly prejudiced.

Counsel for the petitioner prays for withdrawal of the present application with liberty to file afresh.

Counsel for the petitioner further submits that the petitioner has deposited the Court Fee and also filed the original documents at the time of filing of the present application. He prays that the Court Fee which has

been deposited by the petitioner be utilized at the time of filing of the fresh PLA after withdrawing the present application and the petitioner may be given liberty to take back the original documents including the Will annexed to the present application.

Considered the submission made by the counsel for the petitioner.

Leave is given to the petitioner to withdraw the present application being PLA/33/2019 with liberty to file afresh on the self same cause of action.

The department is directed to return the original documents annexed to the PLA/33/2019 to the petitioner on proper identification by keeping photocopy of the same.

It is also made clear that if the petitioner files a fresh PLA with regard to the same Will, the Court Fee, deposited by the petitioner in PLA/33/2019, shall be utilized in the fresh PLA.

PLA/33/2019 is dismissed as withdrawn.

(KRISHNA RAO, J.)