

OD-54

ORDER SHEET

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

IA No. GA/2/2024
In PLA/314/2021

IN THE GOODS OF :
ASIT KUMAR KANUNGOE, DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : March 12, 2025.

Appearance:

Mr. Rohit Banerjee, Adv.

Mr. Aditya Mondal, Adv.

...for the applicant

Mr. Rahul Karmakar, Adv.

Ms. Kakali Dutta, Adv.

...for the executrix

The Court: Mr. Aditya Mondal, learned Counsel, is appearing for the applicant.

Mr. Rahul Karmakar, learned Counsel, is appearing for the executrix.

By an Order dated 26th February, 2025, this Court has disposed of GA/3/2025 by restoring the GA/2/2024 in its original file by re-calling the Order dated 22nd January, 2025 subject to payment of cost of Rs. 10,000/- by the applicant to the executrix within a week from date.

In the said order, it is also made clear that if the applicant fails to pay the cost, this Order will be revived and the Order dated 22nd January, 2025 will remain stand.

Counsel for the applicant admits that the applicant has not paid the cost of Rs.10,000/- within a week from date. He submits that the amount is ready and he will pay the same in the Court itself.

Counsel for the applicant submits that the applicant has approached the executrix on 7th March, 2025 but they have not accepted the said amount.

This Court has passed an Order dated on 26th February, 2025 given one week time to the applicant to pay the cost from date. One week was over on 5th March, 2025 but the applicant has not paid the said amount. He has approached the executrix on 7th March, 2025 i.e. also the after the period of one week.

Considering the above, this Court finds that the applicant is not diligent to peruse with the matter. In spite of opportunity given to the applicant, the applicant fails to comply with the order by paying the cost of Rs.10,000/- within a week to the executrix.

Accordingly, the Order dated 22nd January, 2025 remain stand and the Order dated 26th February, 2025 revived.

(KRISHNA RAO, J.)