

PLA/173/2022
IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY AND INTESTATE JURISDICTION

IN THE GOODS OF:
MANAS RANJAN PANDIT, DECEASED

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 30th March, 2023.

Appearance:
Mr. Abhishek Gupta, Adv.
Ms. Ishita Roy, Adv.
For the petitioners.

The Court :- It is submitted by the petitioners that a prayer for grant of letters of administration to the estate left behind by the deceased was made on behalf of the petitioners by this application. Subsequent to the filing of this application a Will said to have been left behind by the deceased has come to the notice and knowledge of the petitioners. The petitioners, therefore, seek liberty to withdraw this application with the permission to file an application for grant of probate. The petitioners are always entitled to file an application for grant if they are appointed as executors under the Will said to have been discovered now by the petitioners if otherwise permissible in law on complying the statutory requirements upon withdrawal of this application. There is no requirement for giving any leave to file probate petition as that may operate as an official seal to an application for grant of probate which may be filed subsequently which cannot be maintained by either of the petitioners due to any statutory embargo or otherwise.

PLA/173/2022 is dismissed as withdrawn.

(ARINDAM MUKHERJEE, J.)