

11.06.2024
(M/L-44)
Ct.-19
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

C.O. 473 of 2024

Sri Siddhartha Nandi
-Vs-
Smt. Rekha Chakraborty

Mr. Subhadip Biswas,
Ms. Dona Saha,

... For the Petitioner.

Affidavit-of-service filed on behalf of the petitioner
be kept with the record.

None appears on behalf of the opposite party.

The instant application under Article 227 of the
Constitution of India is directed against the order dated
December 09, 2021 passed by the learned District
Delegate at Durgapur, District- Paschim Bardhaman in
M. J. Case No. 17 of 2021.

The opposite party no.1, being the named
executor of the alleged last Will and testament of one
Satyendra Prosad Nandi had applied before the
learned District Delegate, Durgapur for grant of probate
of the said Will.

The learned District Delegate by the order dated
May 05, 2018 has granted the said probate.

The petitioner is the son of the testator. He has
applied under Section 263 of the Indian Succession
Act, 1925 for revocation of the said grant alleging that
no citation was issued to him, the said application was
registered before the said District Delegate as M. J.
Case No. 17 of 2021.

The District Delegate is not competent to decide an application under Section 263 of the said Act of 1925, Section 264 thereof vests exclusive jurisdiction to the learned District Judge to decide an application for revocation.

The learned District Delegate, therefore is directed to allow the petitioner to withdraw his application under Section 263 of the said Act of 1925 for filing of the same before the learned District Judge, District-Paschim Bardhaman.

C.O 473 of 2024 is disposed of with the above terms without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)