

14.08.2024
Item No.9
Daily List
Ct. No.26
CHC

RVW 69 of 2024
IA NO: CAN/1/2024

Ramananda Bhanja
Vs.
State of West Bengal & ors.

in

W.P.L.R.T. 738 of 2003

State of West Bengal & ors.
Vs.
Ramananda Bhanja

Syed E. Huda, Advocate
Sk. Aptabuddin, Advocate
Mr. Nemaï Chandra Betal, Advocate
Mr. Suresh Kunar Sahoo, Advocate
....for the review applicant

Mr. Lalit Mohan Mahata, Ld. A.G.P.
Mr. Ziaul Haque, Advocate
...for the State respondents

In Re: CAN/1/2024

1. CAN/1/2024 is an application for condonation of delay of 145 days.

2. For the ends of justice, the causes shown in the application for condonation are accepted as sufficient and the delay in making and filing the review application is condoned.

3. CAN/1/2024 is disposed of.

In Re: RVW 69 of 2024

4. Review is directed in respect of the order dated September 4, 2023 passed in WPLRT 738 of 2003.

5. Learned advocate appearing for the review applicant submits that, although the Court by the order dated September 4, 2023 directed that, the devolution of the property of the Harihar Bhanja, since deceased would be governed by the probated Will of Harihar Bhanja, since deceased, neither the parties nor the State gave effect to the probated Will. He draws the attention of the Court to various documents in support of such contention.

6. Learned advocate appearing for the State submits that, State gave effect to the devolution of the property in terms of the Will that was probated.

7. We need not enter into the controversy whether or not the effect of the probated Will was given with regard to the devolution of the property belonging to Harihar Bhanja, since deceased. We are of the view that, since Harihar Bhanja, since deceased left behind a Will and such Will was probated and since such Will governs the devolution of the estate of Harihar Bhanja, since deceased and since such estate includes the immovable property concerned, the devolution of the estate of Harihar Bhanja will be governed by the directions contained in the Will of Harihar Bhanja, since deceased which was probated.

8. In such circumstances, we find no ground to grant any relief to the review applicant.

9. R.V.W. 69 of 2024 along with connected applications, if there be any are **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)