

M/L 14
05.8.2024
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 882 of 2024

Rukmani Devi Dhona @ Rukmani Devi Dhone
Vs.
Shiw Kumar Dhona & Ors.

Mr. Sourav Sen
Ms. Jayshree Saha

...for the Petitioner.

Muhammad Obaid

...for the Opposite Party No.1.

The petitioner being the named executor has applied for Probate of the alleged last will and testament of the mother of the parties namely, Rukmani Devi Dhona.

The said proceeding has become contentious on the objection being raised by the opposite party no.1, namely, Shiw Kumar Dhona, one of the sons of the testatrix and is pending before the learned Judge, 7th Bench, City Civil Court at Calcutta being *O.C. Case No.24 of 2018*.

The Order No.38 dated February 06, 2024 passed in the said proceeding is under challenge.

The defendant no.1 was yet to appear in the said proceeding, as such, the learned Trial Judge by the order impugned has fixed a further date for appearance of the said defendant.

Learned advocate for the said defendant, the opposite party no.1 herein, submits that his client is not willing to press his objection to the grant and undertakes to appear before the Court below. He files copy of the application which has already been filed before the learned Trial Judge withdrawing his objection to the grant.

In view of such stand of the opposite party no.1, the learned Trial Judge is requested to proceed with the Probate Case.

CO 882 of 2024 is disposed of with the above observations without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Biswajit Basu, J.)