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02.07.2024

*In The High Court At Calcutta
Civil Revisional Jurisdiction
(Appellate Side)*

C.O. No. 2301 of 2024

**Smt. Shibani Dey
Vs.
Sri Rama Prasad Bandhapadhyay @ Banerjee &
Anr.**

Mr. Kajol Mukherjee,
Mr. Bikash Cchakraborty ... For the petitioner.

Mr. Sujit Sankar Koley,
Mr. Swagatam Deb ... For the opposite parties.

The instant application under Article 227 of the Constitution of India is directed against the order No. 18 dated April 06, 2024 passed by the 3rd Court of learned Additional District Judge at Barrackpore, District – 24 Parganas (North) in Original Suit No. 22 of 2022.

On the death of the named executor, the opposite parties, being the beneficiaries of the alleged last Will and testament of one Pravabati Bandhopadhyay, have applied for grant of letters of administration. On being objected by one of the heirs of the said testatrix, the aforementioned proceeding has become the connected contentious suit.

The petitioner has questioned the maintainability of the connected suit on the ground that all the heirs of the testatrix have not applied for such grant.

The learned Trial Judge by the order impugned has overruled the said objection regarding the maintainability of the connected suit.

The objection so raised is wholly misconceived, as such the order impugned does not call for any interference.

C.O. 2301 of 2024 is dismissed without any order as to costs.

The learned Trial Judge is requested to expedite the disposal of the proceeding and in doing so shall not entertain the prayer of the parties for any unnecessary adjournment.

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.)