

S/L 8
27.9.2024
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 3454 of 2024

Sri Srikanta Roy Chowdhury
Vs.
Sri Siddhartha Roy Chowdhury & Ors.

Mr. Subhajit Saha
Mr. Aniket Chaudhury

... for the Petitioner.

The opposite party no.1 though was not the named executor but had applied for grant of probate of the alleged last will and testament of one *Sumanta Roy Chowdhury*.

On detection of the said mistake, the said opposite party and the named executor of the said will had filed two separate applications, one for transposition of the opposite party no.1 from the category of plaintiff to that of the defendant no.4 in the suit, and the other for addition of the named executor of the said will as plaintiff.

The 1st Court of Additional District Judge at Alipore, District: 24 Parganas (South) by the impugned Order No. 21 dated August 19, 2024 passed in *Original Suit No.21 of 2020* has allowed the said applications.

The learned advocate for the petitioner submits that the application for addition of the executor as plaintiff was filed by the opposite party no.1 but not the named executor who alone is entitled to apply for grant of probate.

It appears from the record that the executor had affirmed the application for his addition in the suit, obviously quoting the un-amended cause title of the suit; the objection therefore is overruled.

CO 3454 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 copy of this order, if applied for, be supplied to the parties, subject to compliance of all requisite formalities.

(Biswajit Basu, J.)