

21.05.2024
Item No.4
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IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Appellate Side

CO/78/2024

PREM KUMAR CHOWDHURY
VS
RAJENDRA PRASAD CHOWDHURY & ORS.

Mr. Bikramaditya Ghosh Adv.,
Mr. Pretom Das, Adv.,
Mr. Abhishek Sen, Adv.
..for the petitioner.

This is an application by the plaintiff in a testamentary suit for expeditious hearing of the same. The plaintiff says that the application for grant of probate was filed on or about 4th October, 2021. Subsequently on the grant being objected to, the application assumed a contentious character and is now being heard as a suit. There has been no progress in the suit despite best endeavour from the side of the plaintiff. The plaintiff says that delay may ultimately be fatal if the attesting witnesses are not available over whom the plaintiff has no control. The plaintiff says that there are all total 12 defendants in the suit and the suit is getting adjourned at the instance of one or the other thereby slowing down the progress.

After hearing the petitioner, I find that justice will be subserved if I direct the learned District Judge at Jalpaiguri before whom the suit being O. C. Suit No.7 of 2023 is pending to be heard out as expeditiously as possible but not beyond 18 months from the date of communication of a server copy of this order. Since some of the defendants reside outside the jurisdiction of Jalpaiguri district, reasonable care should be taken to enable their representation. It is, however, made clear that no unnecessary adjournment at the instance of any of the parties should be granted.

The learned Advocate for the petitioner is directed to serve a copy of this order upon the opposite parties as also on their respective Advocates before the District Court at Jalpaiguri.

Nothing further remains to be adjudicated in this application.

The revisional application being C.O. 78 of 2024 is, accordingly, disposed of.

(ARINDAM MUKHERJEE, J.)