

IN THE HIGH COURT AT CALCUTTA
In appeal from its
ORDINARY ORIGINAL CIVIL JURISDICTION
CIVIL APPELLATE JURISDICTION

IA No. GA 1 of 2024, GA 2 of 2024
APOT No. 31 of 2024

with

PLA No. 111 of 2010

In the Goods of :

Pashupati Nath Banerjee (Dec.)

-And-

Swapna Dutta

Versus

NA

-And-

IA No. GA 1 of 2024, GA 2 of 2024
APOT No. 32 of 2024

with

PLA No. 111 of 2010

In the Goods of :

Pashupati Nath Banerjee (Dec.)

-And-

Swapna Dutta

Versus

NA

-And-

IA No. GA 1 of 2024, GA 2 of 2024
APOT No. 45 of 2024

with

PLA No. 113 of 2010

In the Goods of :

Pashupati Nath Banerjee (Dec.)

-And-

Hiralal Jalan

Versus

NA

-And-

IA No. GA 1 of 2024, GA 2 of 2024
APOT No. 46 of 2024

with

PLA No. 113 of 2010

In the Goods of :

Pashupati Nath Banerjee (Dec.)

-And-

Hiralal Jalan

Versus

NA

-And-

IA No. GA 1 of 2024, GA 2 of 2024
APOT No. 52 of 2024

with

PLA No. 114 of 2010

In the Goods of :

Pashupati Nath Banerjee (Dec.)

-And-

Sabita Bose

Versus

NA

-And-

IA No. GA 1 of 2024, GA 2 of 2024
APOT No. 53 of 2024

with

PLA No. 114 of 2010

In the Goods of :

Pashupati Nath Banerjee (Dec.)

-And-

Sabita Bose

Versus

NA

Before:

The Hon'ble Justice I. P. MUKERJI

And

The Hon'ble Justice BISWAROOP CHOWDHURY
Date: 5th March, 2024

Mr. Suman Kumar Dutt with
Mr. Sarosij Dasgupta,
Mr. Sourath Nath Dutt &
Ms. Subhra Das, Advs.
... for the appellants.

We accept the explanation put forward by Mr. Suman Dutt, learned advocate appearing for the appellant for the delay in filing the appeals. In fact, delay in filing an application for grant of probate should not result in deprivation of the bequest made to the beneficiaries by the testator. We condone the delay and admit the appeals.

None comes forward to contest the appeals.

We set aside the order dismissing the application for grant of probate dated 6th March, 2017.

We modify the order dated 3rd January, 2017 by directing that the Registrar, High Court, Original Side publishes appropriate notice in the website of this court regarding the application for discharge of the caveat which has revived by virtue of this order. An advertisement of similar nature shall also be published by the appellant petitioner in 'The Statesman' in English and in Bengali in the 'Dainik Statesman'. Such publications should be made by 12th April, 2024.

The learned Single Judge may be approached to proceed with the applications for grant of probate and any application connected therewith.

The above appeals and the applications are disposed of, by this order, after dispensing with all formalities.

As affidavits were not invited the allegations contained in the applications are deemed not to be admitted.

(I. P. MUKERJI, J.)

(BISWAROOP CHOWDHURY, J.)