

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY AND INTESTATE JURISDICTION
ORIGINAL SIDE

PLA/131/2021

IN THE GOODS OF MANJULA ACHARYA (DEC.)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: November 14, 2024.

Appearance:

Mr. Shibaji Kr. Das, Adv.

Mr. Dipendu Sarkar, Adv.

Ms. Denlina De, Adv.

... for the petitioner

The Court: Mr. Shibaji Kr. Das, learned Advocate, is appearing for the petitioner.

Counsel for the petitioner submits that as per the last Will and Testament of deceased Manjula Acharya, her younger son Partha Sarathi Acharya is a sole executor of her last Will and testament. Counsel for the petitioner submits that Partha Sarathi Acharya pre-deceased the testatrix as Partha Sarathi Acharya died on 12th November 2017 and the testatrix Manjula Acharya died on 8th March, 2019.

Counsel for the petitioner submits that the petitioner, being the legal heir of the deceased, Manjula Acharya, inadvertently has filed the present application for grant of probate.

Counsel for the petitioner submits that there are technical lacuna in the application filed by the petitioner which cannot be cured by way of

amendment application and as such the counsel for the petitioner prays for withdrawal of the present application with liberty to file afresh.

As per the submission made by the counsel for the petitioner, petitioner is granted leave to withdraw the application being PLA/131/2021 with liberty to file a fresh application.

The department is directed to return the original Will and all original documents, if any, to the petitioner by keeping the copy of the said Will and documents on record.

PLA/131/2021 is dismissed as withdrawn with liberty to file afresh.

(KRISHNA RAO, J.)

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