

IA No. GA 1 of 2024
IA No. GA 2 of 2024
APOT No. 91 of 2024
with
PLA No. 206 of 2010
IN THE HIGH COURT AT CALCUTTA
In appeal from its
ORDINARY ORIGINAL CIVIL JURISDICTION
CIVIL APPELLATE JURISDICTION

In the goods of:
Pashupati Nath Banerjee (Deceased)
And
Premlata Jalan

Before:
The Hon'ble Justice I. P. MUKERJI
And
The Hon'ble Justice BISWAROOP CHOWDHURY
Date: 19th March 2024

Appearance:
Mr. Suman Kumar Dutt, Advocate
Mr. Sarosij Dasgupta, Advocate
Mr. Sourath Nath Dutt, Advocate
Ms. Subhra Das, Advocate
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 31st March 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.)

R. Bose