

OD-6

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY AND INTESTATE JURISDICTION

ORIGINAL SIDE

PLA/255/2023

IN THE GOODS OF : MONA ADITTI CHOPRA ALIAS MONA ADITI CHOPRA,
DECEASED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO
Date: November 20, 2024.

Appearance:

Ms. Sarbojit Mukherjee, Adv.
Ms. Nidhi Bahal, Adv.
Mr. Sagnik, Basu, Adv.
For the petitioner.

Mr. Rudraman Bhattacharyya, Adv.
Mr. Siddhartha Das, Adv.
Laboni Chaudhuri, Adv.
Mr. Souvik Kundu, Adv.
Mr. Akash Munshi, Adv.
Mr. Harsh Tiwari, Adv.
Mr. Subhomoy Paul, Adv.
For the defendant.

The Court: The matter is listed as "To Be Mentioned" on the prayer made by the learned counsel for the petitioner.

Learned counsel for the petitioner submits that after going through the records, the advocate on record of the petitioner came to know that inadvertently the PLA application is filed before this Court though this Court is not having the jurisdiction and as such he wanted to withdraw the said application with liberty to file before the appropriate Court. He submits that the petitioner also deposited the Court Fees and prayed for refund of

the Court Fees. This Court finds that this is the specific case of the petitioner that this Court is not having the jurisdiction but inadvertently the PLA application is filed before this Court.

Accordingly, the petitioner is given liberty to withdraw PLA 255 of 2023 with liberty to file before the appropriate forum.

The department is also directed to refund the Court Fees to the petitioner so that the petitioner can utilize the said Court fees before the appropriate forum at the time of filing appropriate application for grant of probate.

The department is also directed to return all the original documents including the Will submitted by the petitioner along with the application by keeping a copy of the said document on record.

In view of the above, PLA No. 255 of 2023 is dismissed as withdrawn with liberty to file afresh before the appropriate Court.

The written instruction submitted by the petitioner be kept with the records.

(KRISHNA RAO, J.)