

Court No. 6
(265719)

06.03.2025
(AD 1)
(S. Banerjee)

CO 2356 of 2024

Ganga Bohra
Vs.
Sourav Roy

Mr. Anirban Das

...for the petitioner

Mr. Tanmoy Mukherjee
Mr. Souvik Das
Mr. Rudranil Das
Mr. Soumava Santra

...for the opposite party

This application under Article 227 of the Constitution of India is at the instance of the Executrix in a probate proceeding praying for a direction upon the learned Additional District Judge, 1st Court at Barasat, North 24 Parganas to dispose of OS No. 2 of 2016.

Though this matter is appearing under the heading 'To be mentioned', with the consent of the parties this matter is taken up for hearing.

Learned advocate appearing for the petitioner draws the attention of the court to the order dated August 30, 2023 passed by a coordinate Bench in CO 2749 of 2023 whereby the learned trial Judge was requested to proceed with the suit and dispose of the

same expeditiously within the time limit from the date of the disposal of the application.

It appears from the order-sheets appended to this application that August 28, 2024 was the date fixed for hearing of the application under Order 14 Rule 2 of the Code of Civil Procedure.

Mr. Mukherjee, learned advocate appearing for the opposite party submits that on that date the application under Order 14 Rule 2 CPC stood dismissed and the opposite party is contemplating to challenge the same before this Court by filing an application under Article 227 of the Constitution of India.

Since a coordinate Bench has already directed expeditious hearing of the probate proceeding, this Court is not inclined to pass any further direction. However, the order directing expeditious hearing should not be construed to preclude a party from challenging any order passed in connection with the said suit.

With the above observation and direction, CO 2356 of 2024 stands disposed of.

(Hiranmay Bhattacharyya, J.)