

Sl.29
25.08.2025
Court No.6
BP

C.O. 3106 of 2025

Smt. Ganga Bohra
-versus-
Sri Sourav Roy

Mr. Anirban Das
... for the petitioner

Mr. Tanmoy Mukherjee
Mr. Souvik Das
Mr. K. Raihan Ahmed
..for the opposite party

This application under Article 227 of the Constitution of India is at the instance of the applicant in a probate proceeding which has subsequently been made a contentious cause and registered as O.S. No. 2 of 2016 and is directed against the orders being nos. 76 and 77 dated 15th July, 2025 and 2nd August, 2025 respectively both passed by the learned Additional District Judge, 1st Court at Barasat.

By the order dated 15th July, 2025 a date was fixed for cross-examination of P.W.-1 and for acceptance of the written statement. 20th August, 2025 was fixed for further cross-examination of P.W.-1 and for acceptance of the written statement.

The learned advocate appearing for the petitioner submits that in spite of repeated directions passed by this Court for expeditious disposal of O.S. 2 of 2016, the

learned judge is not taking any steps to expedite the hearing of the said suit.

Mr. Mukherjee, learned advocate appearing for the opposite party draws the attention of the Court to an order passed by this Court on 6th March, 2025 in C.O. 2356 of 2024 whereby the submission of Mr. Mukherjee was noted that the application filed by the opposite party under Order 14 Rule 2 of the Code of Civil Procedure 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. It is not in dispute that subsequently a civil revisional application being C.O. 1028 of 2025 has been filed.

Mr. Mukherjee, learned advocate appearing for the opposite party submits that when the said application was taken up for hearing, an adjournment was sought for by the petitioner herein in the said civil revisional application and on his prayer the civil revisional application stood adjourned and the matter is appearing in the supplementary list. He further submits that the petitioner herein has served a notice upon the learned advocate on record of the opposite party by stating that the said civil revisional application being C.O. 1028 of 2025 shall be mentioned for upgradation of the said matter.

It is also not in dispute that that the court is lying vacant and the regular Presiding Officer has not yet joined.

Since a civil revisional application challenging an order rejecting an application under Order 14 Rule 2 of the Code of Civil Procedure is pending before this Court, this Court is not inclined to pass any direction for expeditious hearing of the O.S. 2 of 2016 at this stage.

The learned advocate on record of the petitioner assures this Court that the copy of the civil revisional application shall be served upon the learned advocate for the opposite party in course of this day.

With the above observations, C.O. 3106 of 2025 stands disposed of.

There shall be, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)