

Court No. 6
(265719)

CO 4387 of 2024

11.08.2025
(AD 5)

In the matter of: Nirmal Ghosh

(S. Banerjee)

Mr. Jayanta Sengupta
Mr. Sagnik Basu
Mr. Anuj Chakraborty

...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the executor challenging the orders dated January 31, 2023 and June 12, 2023 both passed by the learned District Delegate cum Civil Judge (Sr. Division), 1st Court, Barasat in Miscellaneous Case (P) No. 87 of 2017 (In the Goods of Late Munidra Nath Mojumder).

Learned advocate appearing for the petitioner submits that instead of returning the Will to the petitioner for filing the same before the appropriate court, the Will was sent to the learned District Judge.

This court by an order dated August 1, 2025 called for a report from the learned District Judge, North 24 Parganas as to why the original Will was kept in the safe custody and not returned to the executor to enable the executor to apply for probate before the appropriate forum.

Pursuant to the said order, a report has been submitted by the learned District Judge (in-Charge) North 24 Parganas dated August 7, 2025. In the said report it has been specifically stated that no one has yet approached the office for return of the subject Will and it has been further stated therein that as and when the executor/authorized person shall approach, the 'Will' will be returned to him in no time.

In view thereof, nothing remains to be decided in this civil revision application.

Accordingly, CO 4387 of 2024 stands disposed of by giving liberty to the petitioner herein to approach the learned District Judge or the learned District Judge (in-Charge), North 24 Parganas and, if such an approach is made, the learned District Judge or the learned District Judge (in-Charge), North 24 Parganas, is directed to return the said Will upon compliance of formalities in that regard.

(Hiranmay Bhattacharyya, J.)