

Item 16.12.2025
No. 11

Ct
04

RUP

**IN THE CIRCUIT BENCH CALCUTTA HIGH COURT
AT JALPAIGURI
CIVIL REVISIONAL JURISDICTION**

C.O. 95 of 2025

Sri Ashok Gupta & Ors.

Vs

Smt. Sangita Devi Prasad

Mr. Nabankur Paul,
Ms. Sutpa Sen Paul,
Mr. Bodhisatya Ghosh

... For the petitioners.

Mr. Deborshi Dhar,
Ms. Taniya Bhowmick,
Ms. P Khaitar.

.... For the opposite party.

Learned advocate for the parties are
present.

This revisional application has been filed
against the order dated 12.03.2025 passed by the
Learned Civil Judge (Senior Division), Siliguri in
Title (Partition) Suit No. 08 of 2020.

The petitioner/defendant in the said
partition suit being aggrieved by the order passed
by the learned Judge dismissing the application
under Section 10 of the Code of Civil Procedure
has come up with the instant revisional
application.

During the pendency of this application, the
learned Co-ordinate Bench of this Court was

pleased to grant liberty to make necessary rectification in the probate suit being OC 13 of 2023 which is pending before the Additional District Judge, Fast Track Court, Siliguri so that the same is treated as an application for grant of letters of administration.

Pursuant to the order dated 07.11.2025, the parties took necessary steps and it appears from the order dated 19.11.2025 that the petition made by the applicant/opposite party for converting the probate case into the letter of administration was allowed.

Learned advocate relies upon the decision of the Hon'ble Supreme Court in the case of Balbir Singh Wasu vs. Lakhbir Singh and Others reported in (2005) 12 SCC 503 wherein the Hon'ble Supreme Court was pleased to observe as follows:-

“However, having regard to the fact that in this case a large number of issues would overlap, we are of the view that both the probate proceedings and the civil suit should be clubbed and heard together by the District Judge who would be competent to hear and dispose of both the civil suit as well as the probate proceedings. We are supported in the view that we have taken by the order passed by a Bench of three Hon'ble Judges of this Court in *Nirmala Devi v. Arun Kumar Gupta*. Accordingly, the appeals are disposed of by transferring the appellant's civil suit to the District Judge, Chandigar. Similarly Probate Proceedings No.21 of 1999 filed by the respondents pending before the High Court is transferred to the District Judge,

Chandigarh for the purpose of being disposed of together with the civil suit. The Interim order, if any, already passed in either of the proceeding will continue unless vacated/modified or altered by the District Judge. No Costs.”

Upon hearing the learned advocates and considering the facts of the case and the decision of the Hon’ble Supreme Court relied upon, this Court is of the view that the OC Probate Case No. 13 of 2023 pending before the Learned Additional District, Fast Track Court, Siliguri and the Title (Partition) suit No. 8 of 2020 pending before the Learned Civil Judge (Senior Division) should be heard analogously. As both the cases are before two separate courts it would be just and proper to direct the Learned District Judge, Darjeeling to assign two cases to a particular Court competent to hear the same in accordance with law.

Thus, the revisional application stands disposed of.

It is hereby made clear that this Court has not gone into the merit of any the cases and parties will be entitled to agitate all the relevant points before the Learned Court.

Let a copy of this order be sent to the Learned District Judge, Darjeeling for necessary steps.

It is also further made clear that this Court

does not vary or alter the order of the Learned Trial Court which was under challenge.

(Biswaroop Chowdhury J.)