

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

APOT/82/2024
WITH
PLA/176/1987
IA NO: GA/1/2024

IN THE GOODS OF:
SUBIR SEN (DEC.)
-AND-
SMT. SARMISTHA MUKHERJEE
VERSUS
SMT. CHITRA SEN AND ANR.

BEFORE:

The Hon'ble JUSTICE SOUMEN SEN
AND

The Hon'ble JUSTICE BISWAROOP CHOWDHURY
Date : 24th February, 2025.

Appearance:

Mr. Sarosij Dasgupta, Adv.
Mr. Avijit Dey, Adv.
...for the appellant

Mr. Sanjib Dawn, Adv.
Mr. Samrat Mukherji, Adv.
Ms. Dakshayani Basu, Adv.
Mr. Rik Mukherji, Adv.
...for the respondents

1. The respondent is the appellant applicant. Record shows that in the probate proceeding, she has given her consent. The probate was granted on 5th December, 1987. After almost 30 years, the daughter filed an application for revocation of grant of probate on a specious plea that her signature on the consent affidavit was forged. However, she has not categorically denied of having received proceeds of the estate in terms of the Will. The mother was the executor. The Will was proved in accordance with the law.

2. It is quite clear that the objection after 30 years was raised with a mala fide purpose. Moreover, we are not satisfied with the explanation offered for not being able to challenge the Will within a reasonable time. It is unbelievable that she was unaware of the pendency of the probate proceeding. Even if we assume that she was made to believe that the document on which she has to put her signature may be used for some other purpose, but it is expected for her to ascertain within reasonable time the outcome of the document on which she has put her signature.
3. On such consideration, we do not find any reason to admit the appeal.
4. The appeal and the application stand dismissed. However, there shall be no order as to costs.

(SOUMEN SEN, J.)

(BISWAROOP CHOWDHURY, J.)