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ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY AND INTESTATE JURISDICTION
ORIGINAL SIDE

PLA/154/2023
IA NO. GA/2/2024

IN THE GOODS OF:
SUREKHA MAJUMDER (DEC)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO
Date: 20th January, 2025.

Appearance:

Mr. Debdutta Raha, Adv.
Mr. A.K. Chatterjee, Adv.
...for the petitioner.

The Court : Mr. Debdutta Raha, learned Advocate, is appearing for the petitioner.

Counsel for the petitioner submits that the petitioner has filed the present application before this Court inadvertently for grant of probate of the last Will and Testament. But the City Civil Court at Calcutta is having the jurisdiction to decide the matter.

Accordingly, counsel for the petitioner prays for withdrawal of PLA No. 154 of 2023. Counsel for the petitioner also prays for return of the original Will and the refund of Court fees of Rs.50,000/- deposited by the petitioner.

Considering the submissions made by the counsel for the petitioner, PLA/154/2023 is dismissed as withdrawn with the liberty to file afresh before the appropriate Court of Law.

Accordingly, the original Will filed by the petitioner along with the present application and all other original documents, if any, be returned to the petitioner subject to furnishing a copy of the said documents to the Department to keep the same on record.

As the petitioner has withdrawn the application, accordingly, the Department is directed to refund the Court fees of Rs.50,000/- to the petitioner.

GA/2/2024 is disposed of.

Accordingly, PLA No. 154 of 2023 is dismissed as withdrawn with the liberty to file afresh before the appropriate Court of Law.

(KRISHNA RAO, J.)

KB
AR (CR)