

28.01.2026
Court No. 06
Monthly List 322
January 2026
Sandip

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

C.O. 1028 of 2025

Sri Sourav Roy
-Versus-

Smt. Ganga Bohra

Mr. Tanmoy Mukherjee,
Mr. Souvik Das,
Mr. Rudranil Das
.....for the petitioner
Mr. Debjit Mukherjee,
Mr. Meghnad Dutta,
Mr. Anirban Das
.....for the opposite party.

- 1) The petitioner is aggrieved by an order dated November 11, 2024 passed by the learned Additional District Judge, 1st Court at Barasat, District 24 Parganas (North). By the said order, the learned Court disposed of a preliminary issue, inter alia, holding that the Court had the jurisdiction to entertain the probate proceeding, which was being contested.
- 2) According to the Court's observations, a distinction was made between the issue of genuineness of the Will and right of execution of a Will of a property at Salt Lake, which had a restrictive clause at the time the property was leased out to the testator.
- 3) It is submitted that O.S. Case No. 02 of 2016 is at the stage of the evidence.
- 4) On a, prima facie, observation as to the maintainability of the probate proceeding and the distinction being drawn between the contentions of the petitioner as regards

maintainability of the probate suit in view of the embargo cast by the lease deed, the learned Court decided to proceed with the suit.

5) I do not find any error in the said order. Moreover, the learned Court has only made, prima facie, observations. All issues shall be urged before the learned Court and the matter shall be decided in accordance with law. All points taken by the petitioner, including the issue as to whether the Will could have been executed in respect of the property, may be urged before the learned court. The learned court shall also decide Mr. Debjit Mukherjee's contention that the probate proceeding deals with the consideration as to whether the Will was genuine or not and the Will is required to be proved, as per law. The court will not decide whether title passed on the basis of the Will.

6) It is expected that the learned Court shall dispose of the suit within a period of six months from the date of communication of this order.

7) The revisional application is disposed of without any order as to costs.

8) Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Shampa Sarkar, J.)