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ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
ORIGINAL SIDE

APOT/270/2025
IA GA 1 of 2025
IN THE GOODS OF
BIJAY KUMAR PODDAR (DEC)
And
AMIT PODDAR AND ORS.
-VS-
NA

BEFORE:
The Hon'ble JUSTICE DEBANGSU BASAK
AND
The Hon'ble JUSTICE MD. SHABBAR RASHIDI
Date :20th April, 2026.

Appearance :
Mr. Sutirtha Das, Adv.
...for the appellant
Mr. Tridib Bose, Adv.
...for the respondent

The Court: The appeal is directed against the order dated August 11, 2025 passed IA GA 2 of 2025 in PLA 282 of 2024.

By the impugned order, the learned Single Judge, dismissed the application of the appellant seeking dismissal of the probate proceedings.

Dismissal of the probate proceedings were sought on the ground that, the application for grant of probate was not in proper form and therefore, was not maintainable.

Learned Single Judge, held that, such issues need not be entered into at that stage. Learned Single Judge noted that, the Will was sought to be proved by the attending witnesses and that, it was required to be done in the solemn form and not in the common form.

Since, the probate was to be proved in the solemn form, the appellant before us no doubt, will be entitled to contest, on probate in accordance with law.

No rights of the appellant stand affected by the order.

Consequently, we are not minded to interfere with the order impugned. APOT 270 of 2025 along with the connected application are dismissed without any order as to cost.

We clarify that we did not enter into the merits of the rival contentions with regard to the probate proceedings. Such contentions are kept open.

(DEBANGSU BASAK, J.)

(MD. SHABBAR RASHIDI, J.)

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