

In The Court of the District Judge Birbhum, Suri

Other Suit – 10 of 2023

CNR : WBBB-01-002495-2023

Present :- Smt. Arti Sharma Roy,(JO Code : WB00149)
District Judge, Birbhum

Order No.- 09

12.12.2024

Today is fixed for ex parte hearing of this case.

Ld. Advocate for the petitioner files a petition praying for time on the ground stated therein.

Prayer is considered and allowed.

The petitioner is directed to take necessary steps regarding paper publication.

OP files written statement along with two petitions, one praying for vacating ex parte hearing order and another for acceptance of the written statement. All supported by affidavit.

Ld. Advocate for the OP moves the petition for vacation of ex parte hearing order.

Ld. Lawyer for the petitioner raises objection.

I have heard both sides.

Considered the instant petition filed by the OP and also the written statement.

Keeping in mind the rule of audi alteram partem and bona fide intention of the OP to contest the instant application which is clear from the submission in written statement today, I do feel inclined to allow the OP to participate to the instant proceeding.

Accordingly, prayer for vacation of ex parte hearing is considered and allowed.

The written statement is accepted.

Ld. Advocate for the petitioner today files a petition under Order 6 Rule 17 read with Section 151 CPC praying for amendment on the ground stated therein.

Heard the Ld. Advocate for the appellant.

I am of view that, the prayer of the petition is simple in nature and it will not change the nature and character of the original petition.

Hence, the petition U/O 6 Rule 17 CPC is allowed.

D.A is directed to note in the petition.

Ld. Advocate for the OP files a petition praying for inspection of the Will which is lying in the safe custody of this Court and submits that the inspection

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of the Will is necessary. Considering the submission of the Ld. Advocate for the OP, the petition is allowed for the ends of justice.

Ld. Advocate for the OP is permitted to inspect the Will in presence of Ld. Advocate for the petitioner and the Sheristader in the Office of this court on **09.01.2025 at about 3:00 pm** maintaining all the formalities.

The Head Clerk, Custodian of the Will is hereby directed to do the needful.

Fix **20.02.2025** for taking steps regarding paper publication.

Dictated and corrected

District Judge, Birbhum
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