

D/L.13.  
December 12, 2024.  
MNS.

FA No. 50 of 2024  
+  
CAN of 1 of 2024

Amit Kumar Sen and another  
Vs.  
Rupendra Narayan Ghose and another

Mr. Partha Pratim Roy,  
Mr. Samrat Chakraborty

... for the appellants.

**In re: CAN 1 of 2024**

1. The receipt showing service on the respondents' advocate, filed today, be kept on record.
2. Despite repeated service, none appears for the respondents at the time of call.
3. Upon a perusal of the materials, we are satisfied that the appellants/petitioners have made out a *prima facie* case for hearing of the appeal, preferred against a judgment of revocation of probate, on merits.
4. We further opine that the subject-matter of the disputed Will is required to be protected during pendency of the appeal.
5. Accordingly, CAN 1 of 2024 is allowed, thereby restraining the respondents from transferring,

alienating and/or creating any third party interest in respect of the property which is the subject-matter of the disputed Will as well as from taking any steps for cancellation of the mutation of the appellants/petitioners in respect of the subject property, if granted by the Urban Development Department, Government of West Bengal, Bidhannagar also till disposal of the appeal.

6. There will be no order as to costs.

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7. The appellants shall put in requisites within a week from date.
8. The records be called for by special messenger at the cost of the appellants, also to be put in within a week from date.
9. The appellants shall prepare and file the requisite number of paper books within eight weeks from the date of service of notice of arrival of the trial court records on the learned Advocate for the appellants.
10. When the trial court records arrive along with the original Will, the original Will must be kept in the safe custody of the Registrar General of this court, subject to directions of production by the court.

11. Liberty to the parties to mention the appeal for inclusion in the list for hearing as and when the same is made ready for hearing.

(Sabyasachi Bhattacharyya, J.)

(Partha Sarathi Sen,)