

19.07.2024  
(D/L-1)  
Ct. No.4  
(NKB)

**F.A.T. 336 of 2018**  
**With**  
**CAN 1 of 2018 (Old No. 4291 of 2018)**  
**CAN 2 of 2023**

**Anup Naskar**  
**Vs.**  
**Sri Aurobinda Naskar & Ors.**

Mr. Ayan Banerjee,  
Mr. Abhishek Verma,  
Mr. A. Sinha,  
Mr. S. Naskar.

... for the Appellant

Mr. Sourav Sen,  
Mr. Partha Chakraborty.

... for the Respondents.

**Re: CAN 2 of 2023**

1. Learned counsel for the applicant is seeking leave to appeal against the order of the Additional District Judge, FTC-1, North 24 Parganas, Barasat in Original Suit No. 64 of 2006. By the said order, the probate at the instance of the present appellant's cousin brother has been declined by the Court.
2. Learned counsel for the appellant draws attention of the Court towards the order under appeal to submit that he was also claimed to be one of the beneficiaries under the Will. Referring to the provisions contained in Section 232 of the Indian Succession Act, it

is submitted that since the cousin brother has not taken any action to carry the impugned order in appeal, he may be permitted leave to appeal against the said order.

3. The learned counsel for the objectors has appeared and opposed the prayer.
4. On going through the order, the application and the provisions contained in Section 232 of the Indian Succession Act, we are of the opinion that the appellant has made out a case for being granted leave to appeal against the Judgement dated 15<sup>th</sup> September, 2017 passed in O.S. 64 of 2006.
5. The application being **CAN 2 of 2023** stands allowed in the aforesaid grounds.
6. The appeal is required to be formally registered, for which the **Department/Office** should take appropriate steps.
7. Learned counsel for the appellant submits that he would be depositing the special messenger cost for requisition of the trial court records.
8. Let the cost be put in within a week from date. The **Office** should thereafter proceed forthwith requisitioning the records and upon receipt of the same and after due verification

of the same, a notice of arrival be issued to the appellant for preparation of requisite number of informal paper books within four weeks thereafter.

**Re: CAN 1 of 2018 (Old No. 4291 of 2018)**

9. The learned counsel is not pressing the CAN No. 1 of 2018 (Old No. 4291 of 2018). In view thereof, the same is also disposed of.

**(Madhuresh Prasad, J.)**

**(Supratim Bhattacharya, J.)**