

16th February,
2026
(AK)
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F.A.T 286 of 2025
IA No: CAN 1 of 2025

Ajit Kumar Jha
Vs.
Dally Jha and others

Mr. Kalyan Kumar Chakraborty
Mr. Gopal Krishna Sarkar
...for the appellant.

Mr. Kamlesh Jha
Mr. Md. Raihan Islam
...for the respondent nos.1, 2 & 3.

1. The present appeal arises out of the grant of a Succession Certificate in favour of the respondents.
2. Learned counsel for the appellant, who claims to be the first wife of late Om Prakash Jha, in respect of whose estate the Succession Certificate was granted, argues that although initially the appellant had appeared in the succession certificate proceeding, subsequently, talks of settlement were going on between the parties and as such the parties jointly filed an agreement before the Joint Commissioner, Commercial Taxes Office at Raiganj, District-Uttar Dinajpur.
3. However, despite the same, the respondents carried on with the proceeding behind the back of the

appellant and obtained an *ex parte* deemed decree therein.

4. Such contentions are controverted by learned counsel for the respondents, who argues that the appellant is guilty of suppression of material facts inasmuch as in the present appeal, an impression has been sought to be created to the effect that the Succession Certificate was obtained behind the back of the appellant, whereas the appellant had, in fact, appeared in the proceeding before the trial Court.
5. However, we find that a *prima facie* case for stay has been made out and that there has been no suppression of material facts since in paragraph no.9 of the application, it has been clearly stated that the appellant had appeared through her learned Advocate in the succession proceeding but a plausible explanation has been given for non-appearance at subsequent stages.
6. Thus, there shall be stay of operation of the impugned judgment and deemed decree dated May 23, 2025 till disposal of the application.
7. On the prayer of the respondents, we direct the respondents to file an affidavit-in-opposition to CAN 1 of 2025 within a fortnight from date. Reply, if any, shall be filed within a week thereafter.

8. The application shall next be listed for hearing on March 16, 2026.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)