

D/L15
18.11.2025
Rohit
ct.no.16

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

**FAT 286 of 2025
With
CAN 1 of 2025**

**Ajit Kumar Jha
Versus
Dally Jha&Ors**

Mr. Gopal Krishna Sarkar
...for the Appellant

Mr. Kamlesh Jha
...for the Respondent Nos. 1, 2 & 3

1. A prima facie case has been made out for hearing the appeal on merits.
2. Ajit Kumar Jha, the appellant, claims to be the son of Late Om Prakash Jha through his first wife, namely one Nirmala Jha.
3. The grievance of the appellant is that succession certificate in respect of the property of the deceased Om Prakash Jha was initially granted to Dolly Jha, the respondent no.1, purportedly the second wife of Late Om Prakash Jha, without citation on the mother of Ajit Kumar Jha, the appellant, being the first wife of late Om Prakash Jha.

4. When a revocation case was filed, the same was dismissed by the learned Trial Judge, against which the present appeal has been preferred.
5. Several arguable questions are involved in the appeal, particularly as to whether the learned Trial Judge was justified in granting succession certificate exclusively to the second wife of the deceased without considering that the succession certificate was granted without citation upon the first wife who also had a legitimate claim to the estate of the deceased. Moreover, it is also to be considered as to whether a purported previous rejection of a similar revocation case at the behest of the said Nirmala Jha would stand in the way of the present revocation case which has now been dismissed by the learned Trial Judge.
6. Since the ambit of the matter is short, learned counsel for the respondents 1 to 3 seek some time to take instructions whether the appeal can be disposed of along with the application to cut short the agony of the parties arising out of prolonged litigation.

7. Accordingly, let the matter be listed next on December 2, 2025. In the meantime the appellant shall serve a copy of the application on the respondent no. 4 indicating the returnable date and file an affidavit-of-service to that effect on the returnable date. Service on the proforma respondent 5 and 6 is dispensed with for the present.
8. There shall be stay of operation of the order passed in Miscellaneous Succession Case No. 2 of 2019 till December 24, 2025 or until further order, whichever is earlier.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)