

5th January,
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. Gopal Krishna Sarkar
...for the appellant.

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

1. An adjournment is sought by the appellant.
2. Learned counsel for the respondents submits that an *ad interim* order was obtained by the appellant on November 18, 2025 from this court by misleading the court and suppressing the material fact that the appellant had appeared in the succession case, the revocation of which was refused by the order impugned in the appeal.
3. We find from paragraph no.5 of our order dated November 18, 2025 that one of the grounds on which interim order was granted was that the succession certificate was obtained without citation upon the first wife (the present appellant, who claims to be the first wife of the deceased testator) whereas from paragraph no.6 of the copy of the revocation case, as amended, which is handed over

today in court by learned counsel for the respondents and kept on record, it is found that the appellants had categorically pleaded that they had appeared in the succession case.

4. Thus, such suppression of material fact and attempt to mislead the court would otherwise entitle the respondents to vacating of the interim order granted by us on November 18, 2025.
5. However, since it might not be the fault of learned counsel for the appellants that material facts were suppressed from him by his client, giving the benefit of doubt to the learned Advocate for the appellant, we request a copy of the amended plaint of the revocation case to be handed over by the respondents to the learned Advocate for the appellants, which is done here and now by the learned Advocate for the respondents.
6. The learned Advocate for the appellant shall apprise himself as to the real state of affairs.
7. For such purpose, the application is adjourned till January 7, 2026, when it will next be listed for hearing.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)