

D/L.21.
February 16, 2026.
MNS.

FAT No. 246 of 2024
+
CAN 1 of 2024
+
CAN 2 of 2026

Sri Abhijit Halder
Vs.
Smt. Chaya Sen and others

Mr. Arunabha Sengupta

... for the appellant.

Re : CAN 1 of 2024 (stay)

1. The learned Advocate-on-record for the appellant is directed to carry out the necessary rectifications to the memorandum of the appeal in terms of the report of the Additional Stamp Reporter dated August 14, 2024 during the course of the day.
2. The receipt regarding service of a copy of the application on the learned Advocate appearing for the Caveators-respondents, filed today, be kept on record.
3. Despite service, none appears for the respondents.
4. The present appeal arises from the dismissal of the probate suit of the appellant. Since there is no scope of grant of stay, we are unable to grant the prayer made in CAN 1 of 2024.
5. However, CAN 1 of 2024 is disposed of without any order as to costs, thereby directing the appellant to put in postal costs, written up notice form and due requisites for

service of notice of the appeal on the respondents within a fortnight from date.

6. The trial court records shall be brought by special messenger at the cost of the appellant, also to be deposited within a fortnight.

7. The appellant 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 appellant.

Re: CAN 2 of 2026 (in the nature of Order XLI Rule 27)

8. CAN 2 of 2026 is in the nature of Order XLI Rule 27 of the Code of Civil Procedure since the appellant, by filing the same, seeks to bring on record certain further documents as additional evidence.

9. In view of the nature of the application, the same is required to be heard along with the appeal.

10. Accordingly, CAN 2 of 2026 is directed to be heard along with the appeal, as and when the same is ready for hearing. Affidavits of opposition and reply in respect of CAN 2 of 2026 shall be exchanged in the meantime.

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

(Supratim Bhattacharya, J.) (Sabyasachi Bhattacharyya, J.)