



AD-14  
Ct No.16  
06.02.2025  
TN

FAT 364 of 2024  
IA No: CAN 1 of 2024  
CAN 2 of 2024

Sri Supratik Guha and another  
Vs.  
Smt. Narayani C. Guha

Mr. Partha Pratim Roy,  
Mr. Samrat Chakraborty

....for the appellants

Mr. Arindam Banerjee, Ld. Sr. Adv.,  
Mr. Adil Naser

....for the respondent

**In re: CAN 2 of 2024**

1. Mr. Chakraborty, led by his senior Mr. Roy, submits in support of the application for condonation of delay that in view of the grounds as made out in the application, in particular, paragraph nos.7 to 9 of the same, the delay in preferring the appeal may be condoned.
2. Upon hearing learned counsel for both sides, we are of the opinion that sufficient cause for the delay of about 29 days in preferring the appeal has been made out in the application.
3. Accordingly, CAN 2 of 2024 is allowed on contest, thereby condoning the delay in preferring FAT 364 of 2024. There will be no order as to costs.
4. The appeal is deemed to be registered and admitted.



**In re: CAN 1 of 2024**

5. CAN 1 of 2024 has been filed praying for injunction. The appeal arises out of grant of probate in respect of a Will.
6. Heard learned counsel for the parties.
7. We are of the opinion that, in order to maintain the subject property of the Will in *statu quo* during pendency of the appeal, which is required to be heard on merits, the injunction as sought for ought to be granted.
8. Accordingly, CAN 1 of 2024 is allowed on contest, thereby restraining the respondent from changing the nature and character of the suit property and/or transferring, alienating and/or encumbering the suit property in favour of third parties in any manner till disposal of the appeal. There will be no order as to costs.
9. In view of appearance of the respondent through her learned Advocate, service of notice of appeal on the respondent is dispensed with.
10. The trial court records be called for by special messenger at the cost of the respondent. On the prayer of learned senior counsel appearing for the respondent, the respondent is directed to put in such special messenger costs within a week from date.
11. The respondent shall, within eight weeks from the date of service of notice of arrival of the trial court



records on the learned Advocate for the respondent, prepare and file the requisite number of paper books. For such purpose, upon the records being received by this court and examined and found to be complete, a notice of arrival of such records be served on the learned Advocate for the respondent as well.

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

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)