

IN THE HIGH COURT AT CALCUTTA  
TESTAMENTARY AND INTESTATE JURISDICTION  
ORIGINAL SIDE

IA NO. GA/4/2024  
In TS/1/2022  
IN THE GOODS OF:  
SRI DHIRENDRA MOHAN OJHA (DEC.)  
-AND-  
SMRITIREKHA OJHA AND BIVA NANDY  
Vs  
MUKTI OJHA (KUMAR), MALA OJHA (KUNDU) DIPTI OJHA,  
TRIPTI OJHA (ROY) BANANI OJHA (INDU)

IA NO. GA/5/2024  
In TS/1/2022  
IN THE GOODS OF:  
SRI DHIRENDRA MOHAN OJHA (DEC.)  
-AND-  
SMRITIREKHA OJHA AND BIVA NANDY  
Vs  
MUKTI OJHA (KUMAR), MALA OJHA (KUNDU) DIPTI OJHA,  
TRIPTI OJHA (ROY) BANANI OJHA (INDU)

BEFORE :  
HON'BLE JUSTICE APURBA SINHA RAY  
DATE : 24<sup>th</sup> April, 2026.

*Appearance :*  
*Mr. Arnab Dutt, Adv.*  
*Ms. Labani Dey, Adv. ...for applicants.*

*Mr. Malay Bhattacharya, Adv.*  
*Ms. Suparna Basu, Adv.*  
*Mr. Saikat Chatterjee, Adv.*  
*Ms. Snehan Ganguly, Adv. ...for respondent.*

**RE: IA NO. GA/5/2024**  
**In TS/1/2022**

The Court :- Affidavit of service filed in Court today is taken on record.

The learned counsel for the petitioner has submitted that there is a delay of 51 days for filing GA/4/2024 for setting aside the ex parte

decree passed in TS/1/2022. The learned counsel appearing for the propounders has raised serious objection. According to him, there is no sufficient and proper explanation of the delay caused.

I have gone through the materials on record. It appears that one testamentary suit being TS/1/2022 was initially contested but subsequently due to non appearance of the advocate in the said proceeding, an ex parte order was passed and probate was granted in favour of the propounders. However, as the present petitioners want to contest the said ex parte decree, I think cause of justice would be subserved if the petitioners' prayer for condonation of delay is allowed after giving sufficient compensation to the propounders.

Accordingly, GA/5/2024 is allowed subject to payment of cost of Rs.10,000/- in favour of the propounders.

GA/5/2024 is thus disposed of.

**RE: IA NO. GA/4/2024**  
**In TS/1/2022**

Let this matter appear in the list on 8<sup>th</sup> May, 2026.

(APURBA SINHA RAY, J.)