

OD-6

IA No.GA 4 of 2023
IN
PLA 73 of 2021
IN THE HIGH COURT AT CALCUTTA
Testamentary & Intestate Jurisdiction
ORIGINAL SIDE

IN THE GOODS OF :
SAJJAN KUMAR MODY, DECEASED

BEFORE:

The Hon'ble JUSTICE Arindam Mukherjee

Date : 19th January, 2023.

Mr. Aniruddh Poddar, Advocate
Mr. Dhiraj Kr. Gupta, Adv.
Mr. Swarup Saha, Adv.
. . . for the applicant.
Mr. Rudraman Bhattacharyya, Adv.
Ms. Amrita Panja Moulick, Adv.

Ms. Shusna Santra, Adv.
. . . for the petitioner.

The Court :- This is an application by the widow of the testator seeking extension of time to file testamentary caveat and affidavit in support thereof. The citation has been received by the applicant on 15th November, 2022. The matter was made returnable before this Court after eight weeks from the service of the citation. The time to file testamentary caveat in view of the provisions of Rule 12 of Chapter XXXV of the Original Side Rules of this Court has expired long back and the matter has also become returnable. The applicant as appears from the documents on record is presently a resident of Dehradun. Although, the reasons cited for non-filing of the caveat and affidavit in support thereof are not very satisfactory, yet considering that the applicant is presently residing at Dehradun,

her age and for the ends of justice, the time to file the testamentary caveat is extended till 25th January, 2023. The applicant who intends to object to the grant is also permitted to enter appearance by 25th January, 2023. The affidavit in support of such caveat shall be filed by 3rd February, 2023. It is made clear that in the event no caveat is filed within the time provided or affidavit in support of the caveat is not filed within the time provided from filing of the caveat, the applicant shall be precluded from lodging the testamentary caveat or from filing the affidavit in support thereof as the case may be.

Nothing further remains to be adjudicated in the application.

The application being GA 4 of 2023 is accordingly disposed of.

Since I have not called for any affidavit, the allegations contained in the application are deemed to have not been admitted by the petitioner in PLA 73 of 2021.

(Arindam Mukherjee, J.)