

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

IA NO. GA/1/2026
In
PLA/52/2025
IN THE GOODS OF
DR. SUKUMAR NAG CHOUDHURY @ CHOWDHURY, DECEASED

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 27th February, 2026.

Appearance:
Ms. Malabika Roy Dey, Adv.(VC)
For applicant in GA/1/2026
Mr. Urfan Ali Mandal, Adv.
For the petitioner

The Court: This is an application for condoning the delay and permitting the applicant who is one of the daughters of the testator to lodge testamentary caveat and to file an affidavit in support thereof. Although, the date of receipt of the citation has not been stated in the application but it appears that the special citation was issued to the applicant on 24th November, 2025. The propounder says that the special citation was received by the applicant on 3rd December, 2025. The propounder also objects to the prayer for extension of time to lodge testamentary caveat and to file affidavit in support thereof as the grounds cited for the delay are not bona fide.

Be that as it may, the time to lodge caveat and file affidavit in support thereof can be extended in view of the provisions of Chapter XXXVIII Rule 46 of the Original Side Rules of this Court. Although, the grounds for delay are not only unsatisfactory but also unconvincing, yet for the ends of justice and keeping in mind that the applicant is one of the daughters of the testator, the time to lodge testamentary caveat along with Vakalatnama is extended till 10th March, 2026 and affidavit in support of such caveat, if filed within the extended time shall have to be filed by 27th March, 2026. It is made clear that no further extension of time shall be given.

In the event of default in filing the caveat or the affidavit in support of the caveat no further opportunity shall be given to the applicant and consequence shall follow.

Immediately upon filing of the caveat an intimation shall be given by the advocate for the applicant to the advocate for the propounder. On the filing of the affidavit in support of the caveat, a copy thereof with all legible annexures shall also be served on the propounder and/or his advocate.

Since I have not called for any affidavit, the allegations contained in this application are deemed not to have been admitted by the propounder.

Nothing further remains to be adjudicated in this application. The application being GA/1/2026 is, accordingly, disposed of.

(ARINDAM MUKHERJEE, J.)

Sb/