

OD-3

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

TS/10/2021
IN THE GOODS OF:
JATINDRA NATH BISWAS (DECEASED)
AND
SRIRUPA BISWAS
VS
SUPRATIK BISWAS

BEFORE:

The Hon'ble JUSTICE APURBA SINHA RAY
Date : 15th May, 2024

Appearance:
Mr. Rahul Karmakasr, Adv.
Mr. Sourav Guchhait, Adv.
For propounder
Mr. A. Boral, Adv.
Mr. I. B. Jha, Adv.
For caveator/defendant

The Court : Learned counsel for the executor has submitted that by an order dated 25th April, 2023, the Hon'ble co-ordinate Bench has been pleased to hold that in the second page, the proposed amendments shown in red ink are inconsequential.

Learned counsel for the executor has further submitted that the Hon'ble Division Bench did not touch the said observation of the learned single Bench. Due to oversight the department carried out the alleged

proposed amendments shown in red ink in the second page of the said petition without following the directions of the learned single Bench vide order dated 25th April, 2023. In fact, the said portion in the second page should remain as it was.

The department is to take appropriate steps in view of the direction given in the order dated 25th April, 2023 which may be quoted hereunder:

“In the second page, the proposed amendments shown in red ink are inconsequential. In a contentious probate proceedings the plaint being an application for grant of probate or letters of administration is in the form of an application as initially filed and no amendment as shown is necessary. Without the amendments shown in the second page the testamentary suit can be tried out.”

Learned counsel appearing for the defendant has submitted that so far as the timeline given by the Hon’ble Division Bench is concerned, the executor has to move the Hon’ble Division Bench to get the time extended.

Learned counsel appearing for the executor has disputed the said submission.

I think there would be no prejudice to any of the parties if the time limit is extended by this Court. The plaintiff is directed to submit a copy of the amended plaint within fifteen days from the necessary corrections carried out by the department, to the learned advocate-on-record of the

defendant.

Liberty is given to the defendant to file an additional written statement within a fortnight thereafter.

Liberty to mention.

(APURBA SINHA RAY, J.)

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