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

IA NO. GA/2/2024
In PLA/218/2020

IN THE GOODS OF :
KANAK SARKAR @ KANAK SIRCAR (DEC.)

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

Appearance :
Ms. Sananda Ganguli, Adv.
Ms. Soumi Guha Thakurta, Adv.
Ms. Raima Ganguly, Adv. ...for petitioner.

The Court :- The learned counsel for the petitioner has submitted that due to oversight she had prayed for issuance of general and special citation upon the legal heirs. However, after inspection and scrutiny it is found that all the legal heirs have submitted their affidavit of consent and, as such, there is no need for issuance of general and special citation. The learned counsel has prayed for recalling of the orders dated 7th March, 2024 and 23rd April, 2024.

By an order dated 10th April, 2026 the department was directed to submit a report as to whether there was affidavit of consent of the legal heirs of the deceased. The department has submitted a report stating

that husband of the deceased is pre-deceased and one child died at the age of four months. The department has further stated as follows :

- a) *Brother (Rabindra Nath Sircar) of the husband of the deceased died.*
- b) *Prodip Sircar, eldest son of Brother of the husband died as a bachelor.*
- c) *Probir Sircar is the second son, of the Brother of the husband who is alive and has filed his affidavit of consent.*
- d) *Prodosh Sircar the youngest son of Brother of the husband also died leaving behind his wife Sumita Sircar and only son namely Ananda Shankar Sircar who filed their respective affidavit of consents.*
- e) *All the three affidavits of consents are attached with the petition.”*

In view of the above, I find that the learned counsel has rightly prayed for recalling of the above orders in view of her inability to go through the concerned record at the relevant point of time.

In view of the above, the orders dated 7th March, 2024 and 23rd April, 2024 passed in PLA/218/2020 are hereby recalled.

Liberty to take appropriate steps.

GA/2/2024 is hereby disposed of.

(APURBA SINHA RAY, J.)