

O-113

ORDER SHEET

TS/30/2023
IA No.GA/1/2018 (Old No.GA/2860/2018)

IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY & INTESTATE JURISDICTION

IN THE GOODS OF :
DR. PRASANTA BANERJI, DECEASED
AND
NABANITA GHOSAL & ORS.
VS.
RINKU BANERJI

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 14th May, 2025.

Mr. Rupak Ghosh, Mr. Saunak Sengupta, Mr.
Gopal Pahari, Ms. Mandeep Kaur, Advocates for the plaintiffs.

Mr. Indradeep Basu, Advocate for defendant/caveatrix.

The Court: It is submitted by the parties that the examination-in-chief and cross-examination of the plaintiffs' first witness in this testamentary suit have been concluded. The plaintiffs' second witness is required to be examined.

It, however, appears that an application being GA 1 of 2018 (Old No.GA 2860 of 2018) which is *inter alia* for appointment of an Administrator pendente lite is pending. This application has been made by the joint executors being the plaintiffs in this testamentary suit. On a query from Court whether the

plaintiffs still insist upon to proceed with the application when the examination of the plaintiffs' first witness is already concluded, it is submitted on behalf of the plaintiffs that they are no more interested to proceed with this application as the trial of the suit has commenced and proceeded upto the conclusion of the evidence of the plaintiffs' first witness.

In the aforesaid facts and circumstances, GA 1 of 2018 (Old No.GA 2860 of 2018) is dismissed for non-prosecution.

Let the suit appear in the list on 25th June, 2025 when the plaintiffs shall bring their second witness for examination and cross-examination.

(ARINDAM MUKHERJEE, J.)