

OD-4

ORDER SHEET

IA No.GA 1 of 2023

In

PLA 174 of 2022

IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY & INTESTATE JURISDICTION

IN THE GOODS OF :
NARAYAN DEBNATH, DECEASED

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 17th August, 2023.

Mr. Ramesh Chandra Paul, Advocate for the petitioner.

Mr. Gaurav Purokayasta, Mr. Narayan Debnath, Mr. Saswata
Chatterjee, Advocates for the caveator.

The Court : This is an application by the propounder to have the probate proceedings being PLA 174 of 2022 declared as a contentious cause and marked as a testamentary suit.

Since a caveat has been lodged by Swapan Debnath, the eldest son of the testator and an affidavit in support thereof has also been filed and served on the propounder, the application for grant of probate has assumed a contentious character. The proceedings for grant of probate being PLA 174 of 2022 is declared as a contentious cause. The department is directed to allot a testamentary suit number as expeditiously as possible to the probate proceedings so that the application for grant of probate being PLA 174 of 2022 can be treated as the plaint while the affidavit in support of caveat filed by Swapan

Debnath be treated as the written statement and the proceedings can be heard as far as practicable as a suit.

Nothing further remains to be adjudicated in this application.

The application being GA 1 of 2023 is accordingly disposed of.

(ARINDAM MUKHERJEE, J.)