

OD-1

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

TS/9/2025  
IA NO: GA/2/2022

IN THE GOODS OF –  
KULDEEP SAHA (DEC)  
-AND-  
SUJIT GUIN  
VS  
SANGITA SAHA

BEFORE:  
The Hon'ble JUSTICE KRISHNA RAO  
Date: 8<sup>th</sup> January, 2026.

Appearance:  
Ms. Dakshayani Basu, Advocate for the executor.  
Mr. Arnab Mukherjee, Adv., for caveatrix.

1. The testamentary suit no.9 of 2025 (In the Goods of Kuldeep Saha (deceased) and Sujit Guin) is specially assigned before this Court.

2. There is analogous suit being CS/96/2020 is also pending before the Coordinate Bench of this Court.

3. Being aggrieved with an interlocutory order passed in CS/96/2020, the defendant had preferred an appeal being APOT/212/2023 along with GA/1/2023 before the Appellate Court. The Appellate Court by an order dated 3<sup>rd</sup> December, 2024 has disposed of the appeal. While disposing of the appeal the Appeal Court was of the view that the partition suit and the

probate proceeding are required to be heard analogously, primacy being given to the probate proceeding.

4. Subsequent to the order passed by the Hon'ble Appellate Court dated 3<sup>rd</sup> December, 2024, the suit court has released the matter by an order dated 25<sup>th</sup> September, 2025. Now the petitioner has mentioned the matter before this Court to hear CS/96/2020 along with TS/9/2025 in terms of the order passed by the Hon'ble Appellate Court dated 3<sup>rd</sup> December, 2024.

5. Considering the submissions made by the learned counsel for the plaintiff and the order passed by the Hon'ble Appellate Court the department is directed to place the record of CS/96/2020 (Sangita Saha and Anr. Vs. Jaya Saha and Ors) along with TS/9/2025 before this Court on the next date fixed.

6. List the matter on 4<sup>th</sup> February, 2026.

(KRISHNA RAO, J.)