



2026:CHC-OS:131-DB

IA No: GA 1 of 2023
IA No: GA 2 of 2024
APDT No. 15 of 2023
with
TS No. 6 of 2009
IN THE HIGH COURT AT CALCUTTA
In appeal from its
TESTAMENTARY & INTESTATE JURISDICTION
CIVIL APPELLATE JURISDICTION

In the goods of:
Akhilesh Kumar Sinha (Deceased)
And
Sant Agarwal
Versus
Rabi Sinha

Before:
The Hon'ble Justice I. P. MUKERJI
And
The Hon'ble Justice BISWAROOP CHOWDHURY
Date: 27th June 2024

Appearance:
Mr. Probal Mukherjee, Sr. Advocate
Mr. Harpal Singh, Advocate
Mr. Debraj De, Advocate
Mr. Anaska Biswas, Advocate
Mr. Sayantan Bhattacharya, Advocate
for the appellant
Mr. Gautam Chakraborty, Advocate
for the respondent

The Court: IA No: GA 1 of 2024

Sufficient cause is shown.

The marginal delay of about 38 days in filing the appeal is
condoned.

The application for condonation of delay is allowed.

We direct the department to register the appeal immediately.

IA No: GA 2 of 2024
APDT No. 15 of 2023

We formally admit the appeal.



It is from a judgment and order dated 18th May 2024 dismissing an application for grant of probate.

We expedite the appeal dispensing with all formalities.

As the respondents are represented by learned counsel, issuance and service of the notice of appeal are dispensed with.

Advocate-on-record for the appellant is directed to prepare and file an informal paper book in this court by 22nd July 2024 serving a copy thereof upon the advocate-on-record for the respondent, at least seven days before the date of hearing of the appeal.

List the appeal for hearing on 31st July 2024.

Mr. Gautam Chakraborty, learned advocate appearing for the respondent assures the court that during pendency of this appeal, his client, the respondent, will not transfer the first floor of premises no.FD-347, Salt Lake City, Kolkata – 700091 of which the appellant is in possession or will encumber or otherwise deal with the same or interfere with the possession of the appellant, save and except by due process of law.

The stay application (IA No: GA 2 of 2024) is disposed of.

As affidavits were not invited, allegations contained in the stay application are deemed to have been not admitted.

(I. P. MUKERJI, J.)

(BISWAROOP CHOWDHURY, J.)