

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2025
(Arising out of SLP (C) No. 8297 of 2025)

BIKASH KUMAR DAS

Appellant (s)

VERSUS

RWITTICKA DAS
@ RWITTICKA KALITA & ANR.

Respondent(s)

O R D E R

1) Leave granted.

2) In the instant appeal, the defendant in the Probate case has challenged the order dated 17.12.2024 passed by the Gauhati High Court in CRP (IO)/526/2024, by which his right to file written statement has been closed.

3) After hearing learned counsel and on going through the material placed before us, indeed, it is true that there is some delay on the part of the appellant in filing the written statement. But, at the same time, granting adequate opportunity to the

party to put his defence is also a *sine qua non*. In case of delay on the part of defendant, plaintiff may be compensated by imposing cost.

4) In view of the above, in the interest of justice, by taking a lenient view, we grant an opportunity to the appellant to file written statement subject to payment of cost of Rs.25,000/- within one month.

5) Accordingly, the present appeal stands allowed. The order passed by the High Court stands set aside. The appellant is granted one month's time to file written statement subject to payment of cost of Rs.25,000/-. On such deposit, Rs.15,000/- be paid to the respondents and Rs.10,000/- be transmitted to the District Legal Services Authority, Kamrup (M), Guwahati, for its use preferably for the benefit of the juveniles.

6) As the probate case is pending since October, 2023, we direct the said proceedings be concluded as expeditiously as possible and not later than six months on filing of written statement.

7) Pending application(s), if any, shall stand disposed of.

....., J.
[J.K. MAHESHWARI]

....., J.
[ARAVIND KUMAR]

New Delhi;
May 05, 2025.

ITEM NO.59

COURT NO.6

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No. 8297/2025

[Arising out of impugned final judgment and order dated 17-12-2024
in CRP(IO) No. 526/2024 passed by the Gauhati High Court]

BIKASH KUMAR DAS

Petitioner(s)

VERSUS

RWITTICKA DAS @ RWITTICKA KALITA & ANR.

Respondent(s)

(FOR ADMISSION)

(IA No. 75040/2025 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 05-05-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Petitioner(s) :

Mr. Nishant Das, Adv.
Mr. Abhay Singh, AOR
Ms. Aatrayi Das, Adv.
Mr. Atul Kumar, Adv.

For Respondent(s) :

Mr. Anupam Lal Das, Sr. Adv.
Mr. Raj Kamal, AOR
Ms. Stuti, Adv.
Mr. Anirudh Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

- 1) Leave granted.
- 2) The appeal is allowed in terms of the signed order.
Pending application(s), if any, shall stand disposed of.

(NIDHI AHUJA)
AR-cum-PS

(NAND KISHOR)
ASSISTANT REGISTRAR

[Signed order is placed on the file.]