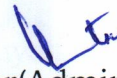


NOTICE

In compliance with Order dated 20.12.2017 passed by the Hon'ble High Court, Calcutta in connection with F.A.-203/1982 with F.A.-4/1986 with CAN-2559/2017 (Debabrata Datta-Vs.-Durga Charan Dutta) it is notified for general information that any person with whom a certified copy or a copy of the certified copy of the Order of grant of probate passed on 17.08.1981 in Suit.No.-2/1976 by Ld. Additional District Judge, 3rd Court, Alipore, South-24 Parganas is available, the same shall be presented before the undersigned by 07.02.2018 for the purpose of disposal of an application for reconstruction.

Objections from any person interested in this regard are invited by 07.02.2018.

By Order



Registrar (Administration)

High Court, Appellate Side, Calcutta

Sl. No.39.
December 20, 2017.
SG

FA 203 of 1982
with
FA 4 of 1986
with
CAN 2559 of 2017

Debabrata Datta
-versus-
Durga Charan Dutta

Mr Rahul Karmakar
... for the appellant.

The application is by the son of the sole respondent in an appeal that was dismissed for default on November 17, 2014. The matter pertains to an appeal which arose out of a testamentary suit relating to the alleged Will of one Baidya Nath Datta, whose son Kamakshya Charan propounded the Will and the present applicant is one of the sons of Kamakshya Charan.

According to the applicant, Kamakshya Charan was the executor and the sole beneficiary under the Will of Baidya Nath Datta. The grant of probate was contested by another son of the testator, Durga Charan. The appeal was filed by Durga Charan against the order of grant of August 17, 1981. It is submitted on behalf of the applicant that Durga Charan has died on June 13, 2016. Durga Charan was pre-deceased by his wife and an unmarried daughter. The appellant submits that Durga Charan had a son by the name of Dipak but Dipak emigrated to the United States of America several decades back and did not even attend his

father's funeral or the ceremonies connected therewith on Durga Charan's death in 2016.

According to the applicant, he is not aware of the present address or whereabouts of Durga Charan's son Dipak and even among the extended relatives of the family, Dipak's whereabouts are not known.

The present application has been filed for the purpose of reconstruction of the order by which probate was granted. It appears that the original records were carried to this court from the court of the Third Additional District Judge, Alipore and the lower court records have been misplaced. Searches conducted by the Department have resulted in the second judge's copy of the paper-book being retrieved. A report has been submitted by the Registrar (Administration) on October 27, 2017 and the second judge's copy of the paper-book including the order of grant of August 17, 1981 have been placed before this court.

The officer attached to this court will immediately prepare two photocopies of the order of grant of August 17, 1981 and make them over for the safe custody of the Registrar (Administration) with the endorsement of the Registrar (Administration) on the first and last pages of such photocopies.

The official website of this court should carry an announcement for a period of one month beginning January 3, 2018 indicating that an application has been made for the reconstruction of the order of grant of probate passed on August 17, 1981 in original suit no.2 of 1976 and that if a certified copy or a copy of the certified copy is available with any person, the same

should be presented before the Registrar (Administration). The website will also invite objections from any person interested.

This application will appear before the appropriate Bench on February 12, 2018 or on the first working day thereafter if February 12, 2018 is a holiday.

In the meantime, the Registrar (Administration) will cause another attempt to be made to search out the original order for grant of probate or report on whether such records may have been misplaced in this court or during transit.

At any rate, this court expresses its regret to the applicant and tenders its sincere apologies for the inconvenience caused to the applicant and any other concerned upon the records being misplaced.

(Sanjib Banerjee, J.)

(Sabyasachi Bhattacharyya, J.)
