

Misc. (J) Case No. 1/2021

ORDER

18-12-2021

Heard learned Counsel for the petitioner.

Perused the case record.

Notice was issued in respect of the Misc. (J) case which was filed for condoning the delay of 7 years 4 months 17 days under Section 5 of the Limitation Act in filing the Misc. (Probate). All the three respondents who are the siblings of the petitioners are residents of Germany and on receipt of notices by e-mail to the official e-mail of the District Judiciary, they have duly replied by sending their no objection to the said petition for condoning the delay. The OP No. 1 has in fact stated that the averments made in the petition for condoning the delay to the effect that *"it is with the assistance of their brother and sisters that WILL of their deceased father Late Birendra Chandra Bhattacharjyya was found in December, 2020"* is correct.

Considering the averments and the no objection and being satisfied that the existence of WILL came within the knowledge of the petitioners only recently, this Court is of the considered view that the delay of 7 years 4 months 17 days, ought to be condoned.

Ordered accordingly.

The delay of 7 years 4 months 17 days in filing the Misc. Probate case is hereby condoned.

Office to register the Misc. (P) case.

Misc. (J) Case No. 1/2021 stands disposed of.


District Judge
Dibrugarh