

In the court of Additional District Judge, 4th Court, Barasat, North 24 Parganas.

O.S. : 25/2016

Present: Smt. Barnali Das Gupta, Judge
(J.O. Code WB 00878)

Order dated 05.08.2025

Today is the date fixed for clarification.

Learned advocate for the petitioner is present and also filed a written clarification regarding the status of executor Sri Gautam Chakraborty, Advocate, who has not filed the instant case as per Will, another executor, namely Sova Rani Bit filed the instant probate case. Subsequently, Sova Rani Bit died and her one of the legal heirs, namely, Ashoke Kumar Bit filed a petition praying for treating the case as letter of administration instead of probate as the Will has not been proved yet.

Learned advocate further submitted that as in the instant case as per Will another executor Advocate Sri Goutam Chakraborty is present and the Will is still not proved, said executor should be served citation to accept the executorship or renounce the same by the person who prays to convert the probate case into a letter of administration as per Section 229 of Indian Succession Act.

Let the written clarification is kept with the record.

Heard learned advocate.

Considering all it appears to this court that one of the executors of the Will of deceased Panchu Gopal Bit, namely, Advocate Sri Goutam Chakraborty has no knowledge about the position of the instant case as well as death of another executor Sova Rani Bit.

In this juncture, this court is of the opinion that the prayer of the Ashoke Kumar Bit to convert the instant case as letter of administration is hereby kept in abeyance until further order at this stage. A citation should be issued upon Advocate Sri Goutam Chakraborty to ask him whether he is intending to accept the executorship or renounce the same under Section 229 of the Indian Succession Act.

Learned advocate for the petitioner of the instant case is directed to send the citation upon Advocate Sri Goutam Chakraborty in both ways to ensure his intention to accept the executorship or renounce the same.

Fix 19.09.2025 S.R of citation.

Learned advocate for the petitioner is directed to do the needful at once.

D/C by me.

Judge

ADJ, 4th Court, Barasat,
North 24 Pgs.