

O. S. 11/2018.

Order No.04.

Dt.12.10.18.

Plaintiff files hazira.

Today is fixed for appearance.

Plaintiff has not put in requisites as yet.

Plaintiff to file requisites at once.

The plaintiff has filed an application u/sec.247 of Indian Succession Act for appointment of administrator pendente lite.

Ld. Advocate for the plaintiff submits that the respondent no.1 and the mother of the plaintiff and the respondents were the executor of the last will of late Shambhunath Pal but during the lifetime of the mother of the parties to this suit, no application for grant of Probate was filed before the court of law. At present, the respondent no.1 is claiming share in the suit property. It is also submitted that there are tenants in the suit property and on account of the prevailing dispute between the plaintiff and the respondent no.1 the tenants have stopped paying the rents for the suit property. As such it has become difficult to maintain the suit property. In such a situation the plaintiff prays for appointing him as administrator pendente lite in this suit.

On consideration of the submission of the Ld. Advocate for the plaintiff I am of the considered opinion that at present there is no urgency to pass an order in favour of the plaintiff regarding the prayer made by him without hearing the respondents. Accordingly, the said prayer for an interim order regarding appointment of administrator pendente lite is rejected. The plaintiff is hereby directed to issue notice upon the respondents directing them to show cause within 15 days of receipt of the said notice as to why the prayer of the plaintiff u/sec.247 of Indian Succession Act shall not be allowed.

Requisite at once.

To 19.12.18 for appearance and hearing.

D/C by me,

ADJ, FTC-II, Sealdah.

ADJ, FTC-II, Sealdah.