

OD-53

ORDER SHEET
IA No. GA 7 of 2020
In
TS No. 5 of 2017
IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY AND INTESTATE JURISDICTION

IN THE GOODS OF:
INDUMATI GIRJASHANKAR OJHA @ INDUMATI G. OJHA
AND
PURUSHOTTAM JAGANNATH BHIDE
VERSUS
BHAVIT BOLE

BEFORE:
The Hon'ble JUSTICE DEBANGSU BASAK

Date : 15th December, 2020.
(VIA VIDEO CONFERENCE)

Appearance:
Mr. Ranjan Bachawat, Sr. Adv.
Mr. Debnath Ghosh, Adv.
Mr. Debasish De, Adv.
Ms. Debanjana De, Adv.

Ms. Usha Doshi, Adv.

The Court :-In a testamentary suit, one of the beneficiaries of the Will of the deceased seeks interim protection of the dematerialized account of the deceased.

Learned Senior Advocate appearing for the petitioner submits that, a nominee of the dematerialized account transferred the shares held by the deceased in his own D-MAT account and is threatening to distribute the shares held by the deceased to the beneficiaries under the Will. He submits

that, not only his client, but also the executor protested against such action of the nominee. However, the executor is not taking any steps apart from writing a letter. Therefore, the petitioner is seeking interim protection.

The Executor and the defendant are represented.

Prima facie, it appears that, the shares held by the deceased in the D-MAT account of the deceased was transferred to the dematerialized account of the nominee, Shri Rajeshwar Parkhani. There are correspondence exchanged on this score.

In order to protect and preserve the assets of the deceased, it would be appropriate to restrain Mr. Rajeshwar Parkhani from dealing with and/or selling and/or encumbering any of the shares of the deceased transferred to his D-MAT Account in any manner whatsoever.

List the application on December 21, 2020 under the same heading.

The petitioner will serve a copy of this application and the order upon Mr. Rajeshwar Parkhani and file affidavit of service to such effect on such date.

(DEBANGSU BASAK, J.)