

OD-23+26

IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY & INTESTATE JURISDICTION
ORIGINAL SIDE

TS/8/2018
IA NO: GA/11/2020 (Old No:GA/567/2020), GA/14/2024, GA/15/2026,
GA/16/2026

IN THE GOODS OF:
CHAMPALAL BHANDARI (DECEASED)
-AND-
HIRALAL BHANDARI AND ANR
BHAWARLAL BHANDARI
WITH
CC/32/2026

BHAWARLAL BHANDARI
VS
CONTEMPT MATTERS HIRALAL BHANDARI AND ORS

BEFORE:
The Hon'ble JUSTICE SUGATO MAJUMDAR
Date : 24th June, 2026.

Appearance:
Mr. Diptomoy Talukder,Adv.
Mr. A.Chakraborty,Adv.
...for the plaintiff no. 1.

Ms. Neelanjana Adhya,Adv.
Mr. Arindam Paul,Adv.
Ms. Debarati Das,Adv.
...for defendant

The Court:- **Re:GA/14/2024**

GA No. 14 of 2024 is an application praying for deletion of name of the Plaintiff No. 2 in view of death in the month of December, 2023. The Learned Counsel for the Defendant vehemently objected to the application on various

grounds and the affidavit-in-opposition is rife with those objections. However, there is no dichotomy that the Plaintiff No. 2 had expired. Let the name of the Plaintiff No. 2 be expunged.

Department is directed to do the needful. GA No. 14 of 2024 stands disposed of accordingly.

Re:GA/11/2020

GA No.11 of 2020 is an application filed by the Defendant to cancel or disregard the Vakalatnama filed by the Learned Counsel named therein. It is alleged that the Plaintiff No. 1 executed Vakalatnama in favour of the Counsel on his behalf as well as on behalf of the Plaintiff No. 2 as Constituted Attorney. It is contended that this is opposed to the scheme of Indian Succession Act, 1925 since the Office of the executor cannot be delegated.

I have heard submission of Ms. Adhya and Mr. Talukder. Even if the Plaintiff No. 2 had executed any power of attorney in favour of the Plaintiff No. 1, on death of the former, the same has become extinct. It is the Plaintiff No.1 who would proceed with the suit. This application has become infructuous and disposed of accordingly.

Re: GA/15/2026

GA No. 15 of 2026 is an application praying for appointment of Administrator Pendente Lite. Mr. Talukder, Learned Counsel appearing for the plaintiff No. 1 seeks for an accommodation to file affidavit-in-opposition. Ms. Adhya opposed this dilatory tactics which has become hackneyed for the Plaintiff and submitted that Vakalatnama is yet to be filed.

Considering the situation, time is extended till 20th July, 2026 when GA No. 15 of 2026 shall be taken up for hearing. If affidavit-in-opposition is not filed in the meantime, it will be deemed that no affidavit-in-opposition is there to be filed.

Copy of CC 32 of 2026 be served on the adversary by the Defendant and shall appear in the list on the same date.

Exchange of affidavits shall be complete in the meantime.

(SUGATO MAJUMDAR, J.)