

ORDER SHEET

IA No.GA 1 of 2023
In
PLA 12 of 2023
IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY & INTESTATE JURISDICTION
ORIGINAL SIDE

IN THE GOODS OF :
AJIT KUMAR DHANDHANIA, DECEASED

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 8th August, 2023.

Mr. Aniruddha Mitra, Mr. Tapan Sil, Advocates for the petitioner.

Mr. Ranajit Chowdhury, Advocate for Union Bank of India.

Mr. Prabhat Kr. Srivastawa, Advocate for Indusind Bank.

The Court : Affidavit of service filed in Court today is taken on record.

Pursuant to the order dated 18th July, 2023 the Union Bank of India and Indusind Bank are respectively represented by Mr. Ranajit Chowdhury, and Mr. Prabhat Kumar Srivastawa, learned Advocates. It is submitted on behalf of the banks that as the landlord has expired, the banks apprehend that the rent if paid may be misappropriated which will lead to some dispute between the legatees of the deceased and drag the banks to long drawn litigation. It is submitted on behalf of Union Bank of India that the entire rent is kept in a sundry account and can be made over to the executor to the credit of the estate of Ajit Kumar Dhandhania, the deceased abovenamed, if directed and the current and future rents can be also paid/deposited in the name of the estate till the probate proceedings are over.

On behalf of the Indusind Bank it is submitted that they have already vacated the premises. However, in order to liquidate the arrears which had accrued during their stay at the said premises, the said bank should be given some time.

Considering the submissions as aforesaid, the Union Bank of India is directed to pay the entire outstanding amount by 31st August, 2023. The rent for the month of August, 2023 and all future rents shall be paid within 10th of each succeeding month for which it falls due to the executor in the credit of the estate of Ajit Kumar Dhandhanian, deceased. Indusind Bank is directed to liquidate the entire outstanding amount by 31st August, 2023. The two banks as aforesaid shall be entitled to deduct Tax Deducted at Source (in short TDS) from the amounts to be paid and shall give credit of the same as required under law. It is made clear that in the event the outstanding sum as directed is not liquidated by 31st August, 2023, the principal sum shall carry interest at the rate of 10% per annum from 17th July, 2023 being the date of filing of this application till actual payment which the executor shall be entitled to claim and realise from the respective banks. The executor shall provide the particulars of any one or more dedicated bank account to the two by 18th August, 2023 to enable the banks to make payment. Nothing further remains to be adjudicated in this application.

The application being GA 1 of 2023 is accordingly disposed of.

(ARINDAM MUKHERJEE, J.)