

IA NO. GA/3/2025
IN
TS/22/2023
IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY AND INTESTATE JURISDICTION

IN THE GOODS OF:
NARAYAN DEBNATH, DECEASED
AND
IN THE MATTER OF:
SMT. ARCHANA DEBNATH
VS
SWAPAN DEBNATH

BEFORE:
The Hon'ble JUSTICE ARINDAM MUKHERJEE
Date: 21st May, 2025

Appearance:

Mr. Sourojit Das Gupta, Adv.
Mr. Ramesh Chandra Paul, Adv.
For plaintiff/respondent
Mr. Gaurav Purkayastha, Adv.
Mr. Narayan Debnath, Adv.
For defendant/applicant

The Court :- This is an application by the defendant in a testamentary suit calling for accounts from the plaintiff in respect of the estate of the deceased, the probate of which has been sought for in this suit.

The plaintiff in the capacity of an executrix, in view of the provisions of the Indian Succession Act, 1925, is entitled to administer the estate prior to the grant of probate and subsequent thereto till the assent takes place.

The executrix in the instant case is, therefore, bound to keep proper accounts to demonstrate that the administration of the estate prior to grant

of probate has been done diligently. The properties and assets of the estate are already disclosed in the affidavit of assets filed in these proceedings.

In the aforesaid facts and circumstances, the matter can be more effectively adjudicated after affording the plaintiff an opportunity to file an affidavit disclosing therein the present status of the properties and assets indicated in the affidavit of assets. The affidavit should also state, if there is a change in the properties and assets mentioned in the affidavit of assets, the reasons for the same.

Let such affidavit be filed by 20th June, 2025; reply thereto, if any, be filed by 2nd July, 2025.

Matter to appear in the monthly list of July 2025 under appropriate heading.

(ARINDAM MUKHERJEE, J.)

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