

O-11 to 13

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA  
Testamentary and Intestate Jurisdiction  
ORIGINAL SIDE

IA No.GA/2/2023  
In  
PLA/94/2014

IN THE GOODS OF :  
RADHANATH SIL (DEC.)

AND

IA No. GA/2/2019 (Old No.GA/2499/2019)  
In  
PLA/208/2014

IN THE GOODS OF :  
RADHA NATH SIL (DEC.)

AND

IA No. GA/4/2023  
In  
PLA/208/2014

IN THE GOODS OF :  
RADHA NATH SIL (DEC.)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : January 8, 2024.

Appearance:

Ms. Jayati Chowdhury, Adv.  
Ms. Sutapa Guha Dutta, Adv.  
Ms. Mandobi Chowdhury, Adv.  
Ms. Priya Malakar, Adv.  
... for the caveators/applicant in  
GA/2/2023 in PLA/94/2014

Ms. Nilanjana Adhya, Adv.  
... for the executor

Mr. Debdutta Sen, Adv.  
Ms. S. Ghosh, Adv.  
Ms. Ledia Dasgupta, Adv.  
... for the applicant in GA/2/2019 and  
GA/4/2023 in PLA/208/2014

**In Re : IA No. GA/2/2019 (Old No.GA/2499/2019) in  
PLA/208/2014**

The Court: Ms. Nilanjana Adhya, learned counsel, is appearing for the executor. Ms. Jayati Chowdhury, learned counsel, is appearing for the caveator and caveatrix. Mr. Debdutta Sen, learned counsel, is appearing for the beneficiary of the Will.

The beneficiary of the Will, namely, Swami Suparnananda, the Secretary of Ramakrishna Mission, has filed the present application being GA/2/2019 (Old No.GA/2499/2019) for renunciation of the executorship of Ramendra Lal Addy with respect of the last Will and Testament of Radha Nath Sil.

The applicant in GA/2/2019 submits that the executor, namely, Ramendra Lal Addy by a letter dated 25<sup>th</sup> September, 2018 informed the applicant that due to his personal difficulties and certain commitments, he is not in a position to continue the present probate proceeding and on the basis of the communication dated 25<sup>th</sup> September, 2018, the applicant has filed the present application.

The caveators have filed their affidavits in opposition in connection with GA/2/2019 stating that the two of the legal heirs of the testator namely, Netai Chand Seal and Sham Seal have also passed away. Netai Chand Seal passed away on 7<sup>th</sup> July, 2019 and Sham Seal passed away in Germany sometime in between 2016-2017. The caveators have denied the alleged Will executed by the testator Radha Nath Sil and submitted that the Will relied by the executor is not a genuine Will and is a forged document.

This Court finds that with regard to the genuinity of the Will, the same is to be decided during trial when the case for grant of probate will be taken up for hearing. In the present application, the applicant only prayed for renunciation of the executorship and as such, this Court finds that no purpose would be served by keeping the application being GA/2/2019 (Old No.GA/2499/2019) pending.

Accordingly, the prayer (a) of the Master's Summons is allowed.

Counsel for the applicant has not pressed the other prayers made in the Master's Summons.

In view of the above, GA/2/2019 (Old No.GA/2499/2019) is disposed of.

**In Re : IA No.GA/4/2023 in PLA/208/2014**

The applicant Swami Suparnananda, the Secretary of Ramakrishna Mission, Institute of Culture, Golpark has filed the present application being GA/4/2023 praying for conversion of the PLA/208/2014 from the grant of probate to grant of letters of administration and also prayed for amendment in the PLA application which is annexed with this application from page nos.9 to 19.

The caveators have filed their affidavits to the said application and submitted that the alleged Will on the basis of which, the present applicant intends to convert the PLA application from grant of probate to grant of letters of administration, the said alleged Will has not been executed by the testator and the said Will is a forged document.

This Court finds that with regard to the genuinity of the document, the same cannot be decided in the present application as the executor appointed by the testator in the said Will has been renounced from the executorship of the said Will and the petitioner being the beneficiary of the said Will intends to continue with the said case for grant of letters of administration.

Accordingly, the prayers (a) to (c) of the Master's Summons are allowed.

GA/4/2023 is disposed of.

**In Re : IA No.GA/2/2023 in PLA/94/2014**

It is found from the record that the caveators have filed an application being GA/2/2023 in PLA/94/2014 praying for an order for appointment of an handwriting expert as well as appointment of medical expert.

This Court finds that the application filed by the caveators is to be taken up for hearing after the PLA/208/2014 is converted to grant of letters of administration.

Let the application being GA/2/2023 in PLA/94/2014 along with PLA/208/2014 be listed on 12<sup>th</sup> February, 2024.

(KRISHNA RAO, J.)