

IA No. GA/1/2024
In
PLA No. 409 of 2023
IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY AND INTESTATE JURISDICTION

IN THE GOODS OF:
SUNANDA RAY, DECEASED

BEFORE:
The Hon'ble JUSTICE BIVAS PATTANAYAK
Date: 21st August, 2024.

Appearance:
Mr. Aniruddha Mitra, Adv.
Ms. Mayuri Ghosh, Adv.
Ms. Hasi Sarkar, Adv.
Ms. Meghna Dhur, Adv.
For the petitioner.

The Court :- This is an application seeking direction upon the cited party Mrs. Sujata Ray Mukherjee and her men and agents to maintain *status quo* in respect of the property of the testator and not to change the nature and character or deal with the same in any manner till disposal of the present probate proceeding.

Mr. Aniruddha Mitra, learned advocate appearing for the petitioner, submits that the testator by way of last Will and Testament has bequeathed her 3/4th share in the undivided property comprised within 60, Ramkrishna Nagar, P.S. Sonarpore, 24 Parganas (South) in favour of her sister. The cited party, namely Sujata Ray Mukherjee, who is the daughter-in-law of the testator is

having undivided 1/4th share. However, recently said Sujata Ray Mukherjee is trying to illegally trespass into the property of the testator and is also trying to create third party interest. For the reasons aforesaid, the petitioner has filed the present application for preservation of the property of the testator. The beneficiary of the Will also filed an application under Section 144(2) of the Code of Criminal Procedure before the Executive Magistrate, Baruipur and the report of the I/C, Narendrapur P.S. clearly shows that there is a dispute with regard to the property in question. He also informs that notice of the application has been served upon the cited party. He files copy of the application under Section 144(2) of the Code of Criminal Procedure and report of Narendrapur P.S. as well as track consignment report which is taken on record. He seeks for an order in terms of prayer (a) of the Master's Summons.

At the outset upon perusal of track consignment report it is found that notice of the present application has been served upon the cited party, namely, Sujata Ray Mukherjee.

Despite service none appears on behalf of the said cited party.

It appears from the copy of the Will annexed to the application that testator's undivided 3/4th share at premises No. 60, Ramkrishna Nagar, P. S. Sonarpore, District: 24 Parganas (South) has been bequeathed to Mrs. Tandra Bhattacharjee, who happens to be her sister. The report filed by Narendrapur P.S. dated 20th May, 2024 before the learned Executive Magistrate, Baruipur, pertaining to M.P. Case No. 1513/2024 under Section 144(2) of the Criminal Procedure Code shows that there is long pending disputes relating to the property in question. It has been categorically contended in the application that

the cited party Sujata Ray Mukherjee is trying to trespass into the property of the testator and also trying to create a third party interest over the property of the testator.

Considering the aforesaid, let *status quo* be maintained by all concerned parties in respect of the subject property of the testator so far as nature and character of the said property is concerned and no third party interest be created over the subject property of the testator till disposal of the probate petition.

IA No. GA/1/2024 in PLA No. 409 of 2023 stands disposed of.

(BIVAS PATTANAYAK, J.)

snn.