

IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY AND INTESTATE JURISDICTION
ORIGINAL SIDE
IA NO. GA 1 OF 2023
IN
PLA 441 OF 2023
IN THE GOODS OF:
LINA HALDER, DECEASED

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date : 5th December, 2023.

Appearance:
Mr. Kaushik Pradhan, Adv.
For petitioner
Mr. Partha sarathi Das, Adv.
Mr. Sutanu Karmakar, Adv.
For respondent no.3

The Court : It is submitted by the applicant that she as the daughter-in-law of the deceased (widow of Manas Kamal Haldar) being a pre-deceased son of the deceased Lina Halder had applied for Letters of Administration to the estate left behind by the deceased Lina Halder.

It is further submitted that the estate comprises of several bank accounts and bank lockers lying in the name of the deceased. It is also the case of the applicant that taking advantage of the situation, the sisters of Lina Halder, the deceased are operating the bank account and the lockers to the exclusion of the applicant as per their own will and volition. In the process, the applicant apprehends that the money lying in the accounts will be siphoned off, if not already and the articles lying in the lockers will be dealt with. This will in turn reduce the value of the estate and there is every likelihood that nothing will remain as the part of the estate for being administered in the event the applicant

succeeds in obtaining Letters of Administration. That apart and in any event the applicant being the wife of the pre-deceased son is a legal heiress of the deceased in intestacy and, as such, in such capacity has a stake in the estate left behind by the deceased.

In case of a application for Letters of Administration, the paramount object is to keep the estate intact so that in the event the application for Letters of Administration succeeds, the administrator will be in a position to administer the estate and distribute the assets amongst the heirs/heiresses and/or other beneficiaries. The applicant being in a dual capacity as an heir in intestacy is also entitled to a share of the estate left behind by the deceased even if she is unsuccessful in getting the Letters of Administration. In order to protect the estate till the grant is effected or until further orders, the operation of the bank accounts and the locker, the particulars whereof are provided in serial nos. 1 to 6 of paragraph 6 of this application, shall remain suspended save and except for the purpose of inventory and valuation of the articles, if any, in the locker.

The Manager of Indian Overseas Bank, Salt Lake, Sector-I Branch is directed to open the locker no.1041 in the presence of the petitioner and other stake holders, if any, and inventorise the articles lying thereat. The nominee to the locker who claims to have one set of the locker key shall produce the key for opening the locker. Three copies of the inventory shall be prepared. The original shall be retained with the bank, one copy will be made over to the petitioner and the other copy to the stake holders, if any. The order is passed in the presence of Smt. Saheli Ghosh represented by Partha Sarathi Das, who claims to be the nominee of locker no.1041.

Assuming without admitting that Saheli Ghosh is the nominee with regard to the said locker then also she cannot have any objection for inventorising the articles lying inside the locker.

The entire exercise of opening the locker, if necessary by breaking open the lock and inventory shall be made by 19th December, 2023. In the event, any articles are found inside the locker, the Manager of Indian Overseas Bank, Salt Lake, Sector-I Branch shall through an empanelled valuer of the bank prepare a valuation sheet in respect of such articles. The valuation shall be conducted post 15th December, 2023 but before 3rd January, 2024 so that the facts and figures are available before this Court when this matter will be taken up next.

After inventory and valuation the locker shall be again sealed with the articles, if any, lying therein. The key of the locker that may be produced by the nominee shall be returned by the bank after inventory and valuation.

Let this matter appear in the monthly list of January 2024.

(ARINDAM MUKHERJEE, J.)

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