

IN THE HIGH COURT AT CALCUTTA  
TESTAMENTARY AND INTESTATE JURISIDITION

IA NO. GA/5/2025

In

PLA No. 441 of 2023

IN THE GOODS OF:  
LINA HALDER, DECEASED

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 3<sup>rd</sup> September 2025.

APPEARANCE:

Mr. Siddhartha Banerjee, Adv.

Ms. Juin Dutta Chakraborty, Adv.

Mr. Bidan Modak, Adv.

For the petitioner.

Mr. Sakya Sen, Sr. Adv.

Mr. Debasish Ghose, Adv.

Mr. Kaushik Pradhan, Adv.

Ms. Pallavi Chatterjee, Adv.

For the respondent.

The Court:- This is an application for revocation of a grant of Letters of Administration. The Letters of Administration was granted in favour of Aparna Halder wife of Manas Kamal Halder the predeceased son of the above named deceased by an order dated 14<sup>th</sup> August, 2024 passed in PLA No. 441 of 2023. The main ground on which the grant is sought to be revoked is that the applicant is the executrix appointed under a Will dated 10<sup>th</sup> December, 2022 said to have been left behind by the above named deceased who had a caveatable interest, but was not cited.

The petitioner says that as an executrix she has not renounced her executorship and as such under the provision of Section 229 of the Indian Succession Act, 1925, the applicant is entitled to administer the estate. In such facts and circumstances, the administrator appointed by this Court should be restrained from administering the estate.

On behalf of the administrator already appointed, it is submitted that the application is per se not maintainable as the same has been notarized before a Notary Public in City Civil Court at Calcutta on 26<sup>th</sup> August, 2025 which was a working day of this Court, but the applicant did not even care to come over to the High Court to affirm the affidavit of. The application made on the basis of the the notarial affidavit should be rejected in limine as it is contrary to the rules.

On behalf of the administrator, it is further contended that being appointed as an Administrator by a competent Court after following the due process the administrator cannot be restrained from administering the estate at the first instance as the person who claims to be an executrix under an alleged Will has not even applied for the grant of probate.

After hearing the parties and considering the materials on record, I am of the view that the provision of Section 229 of the 1925 Act will not apply in the facts of the instant case at this stage as the administrator has been appointed at least a year back and the alleged Will dated 10<sup>th</sup> December, 2022 has not been filed for obtaining the probate when the deceased died on 31<sup>st</sup> March, 2023. Furthermore, in paragraph 2 of the application, it has been stated that the deceased died intestate on 31<sup>st</sup> March, 2023. The matter requires to be

heard on affidavit(s).

Let affidavit-in-opposition be filed by 29<sup>th</sup> October, 2025. Affidavit-in-Reply thereto, if any, be filed by 21<sup>st</sup> November, 2025.

Let this matter appear in the monthly list of December, 2025.

(ARINDAM MUKHERJEE, J.)

snn.