

O-134

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY AND INTESTATE JURISDICTION
ORIGINAL SIDE

IA NO. GA/4/2025
IN
PLA/441/2023
IN THE GOODS OF:
LINA HALDER, DECEASED

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 3rd September, 2025.

Appearance:
Mrs. Juin Dutta Chakraborty, Adv.
Mr. Bidan Modak, Adv.
For petitioner
Mr. Sakhya Sen, Sr. Adv.
Mr. Debashis Ghosh, Adv.
Mr. Kaushik Pradhan, Adv.
Miss Pallavi Chattrjee, Adv.
For respondent

The Court: This is an application made by Saheli Ghosh, daughter of Sri Bivas Ghosh and Smt. Hena Ghosh for revocation of the Letters of Administration granted in connection of the estate left behind by Lina Halder, the deceased abovenamed.

The Letters of Administration was granted on 14th August, 2024 in the application being PLA/441/2023 to Aparna Halder, the widow

of the pre-deceased son of Lina Halder.

An application for revocation can be made under Section 263 of the Indian Succession Act, 1925 (hereinafter referred to as 1925 Act) inter alia on the grounds stated therein.

On a perusal of the said application, I do not find any of the grounds as provided under Section 263 of the 1925 Act has been attracted or has been made out for revoking the grant.

The applicant is the daughter of one of the sisters of the deceased and, as such, the relationship between the deceased and the applicant is aunt and niece.

The devolution of an estate left behind by a woman as in the instant case is governed by the provisions of Sections 15 and 16 of the Hindu Succession Act, 1956 (hereinafter referred to as 1956 Act). The sum and substance of the devolution under the said two sections is that, if the properties and assets have been inherited by the deceased woman from her husband then the heirs of the husband are to get the same by inheritance. The said heirs in such a case are required to be cited. The heirs of the husband will be governed by the provisions of Section 8 of the 1956 Act read with the schedule thereto.

The first category of the legal heirs of a deceased woman is her son, daughter and husband which includes children of any pre-deceased son or daughter. If neither of the heirs falling in this

category is available then it devolves upon the brothers and sisters of the husband. In the instant case, the deceased had two sons, namely, Manas Kamal Halder and Rajarshi Halder. Manas Kamal Halder died in 2015 while Rajarshi Halder died in 2021 that is both of them pre-deceased their mother being the deceased abovenamed. Manas Kamal Halder had two sons, namely, Anirban Halder and Moyukh Halder and his wife Aparna Halder is also alive being the Administrator. So under either case whether the property came from the husband or from the father of the deceased which is not clear from the facts of the case then the heirs-in-intestacy will be the two grand children, namely, Anirban Halder and Moyukh Halder and the daughter-in-law Aparna Halder. The sisters of the deceased, namely, Bina Das, and Hena Ghosh will qualify as the Class II heiresses only if the properties and assets have been derived by the deceased from her father.

Saheli Ghosh, the applicant being the niece will never qualify as an heiress-in-intestacy when her mother is alive even if the property of the deceased came from her father's side. Saheli Ghosh, the applicant therefore has no caveatable interest since she is neither an heiress-in-intestacy in the facts of the case nor is she a beneficiary under the alleged Will dated 12th December, 2022 said to have been left behind by the deceased. Even if, Saheli Ghosh contends that her mother Hena Ghosh is a beneficiary under the alleged Will dated 12th

December, 2022 then also during the lifetime of her mother Hena, she cannot come forward and challenge the grant of Letters of Administration.

The application, therefore, fails and is, accordingly, dismissed.

(ARINDAM MUKHERJEE, J.)

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