

OD-12

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY AND INTESTATE JURISDICTION

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

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 19th May, 2025.

Appearance:

Mr. Siddhartha Banerjee, Adv.
Ms. Juin Dutta Chakraborty, Adv.
Mr. Soumojit Majumdar, Adv.
Mr. Bidan Modak, Adv.
Ms. Arpita Kundu, Adv.
For the petitioner.

Mr. Chayan Gupta, Adv.
Mr. Ganesh N. Jajodia, Adv.
Ms. Nitu Singh, Adv.
Ms. Ritika Kedia, Adv.
For the defendant/respondent nos. 1 & 3.

Mr. Sakya Sen, Sr. Adv.
Mr. Debashis Ghosh, Adv.
Mr. Kaushik Pradhan, Adv.
For the respondent no.12.

The Court: This is an application by one Saheli Ghosh who claims to be the daughter of Smt. Hena Ghosh being one of the sisters of the deceased, the administration of whose estate is the subject matter of PLA No. 441 of 2023.

Lina Halder the deceased had two sons, namely Manas Halder and Rajarshi Halder. Both the sons predeceased their mother Lina Halder. Rajarshi Halder was a bachelor. Manas is survived by his widow Aparna Halder by two sons, namely, Moyukh Halder and Anirban Halder. Aparna, the daughter-in-law had applied for grant of letters of administration which was granted by an order dated 14th August, 2024. It is submitted by the Administrator that the banks are not allowing the administrator to operate the bank accounts for the purpose of administering the State though the administrator has produced the Letters of Administration issued to her at the behest of the appellant. The applicant says that she has come across a Will dated 10th December, 2022 said to have been left behind by the deceased. Under the said Will the applicant's mother Hena Ghosh one of the sisters of the deceased is one of the beneficiaries.

It is also the case of the applicant that Bina Das another sister of the deceased is the executor to the Will. The applicant's mother Hena Ghosh is alive. She has not come forward to contend that the deceased has left behind a Will wherein she is the beneficiary.

The applicant as an heiress of Hena Ghosh will be entitled to the estate of Hena Ghosh on her death. At the present since Hena Ghosh a Hindu lady governed by Dayabhaga School of Hindu Law, the applicant does not prima facie have a subsisting right to challenge the grant given in favour of daughter-in-law of the deceased who is otherwise a Class-1 heir under the Hindu Succession Act, 1956 in case of death in intestacy of the deceased.

The existence validity and the genuineness of the Will will be looked into when the same put forth before the Court. However, since the applicant does not have an existing right either as a beneficiary or as an heiress in intestacy, as also not being a beneficiary under the alleged will, I am not inclined to grant any order either staying the administration of the estate or any embargo on the administrator (Aparna Halder).

The matter can be more effectively heard on affidavits.

Let affidavit in opposition be filed by 16th June, 2025. Affidavit in reply thereto, if any, be filed by 30th June, 2025.

Matter to appear in the monthly list of July, 2025.

The administrator shall in the affidavit state what are the steps which have been taken by the administrator for the purpose of administering the estate till the date of affirmation of the said affidavit. The administrator shall also keep separate accounts regarding the operation of bank account forming part of the estate by indicating the amount lying in such bank account when the administrator was issued the grant and what is the present state of the money lying in the bank account. The administrator shall be required to place the account as and when required by the Court as the grant directs the administrator to provide for filing of an inventory and filing of accounts.

(ARINDAM MUKHERJEE, J.)