

OD-8

ORDER SHEET

IA No. GA/1/2022

In

PLA/281/2012

IN THE HIGH COURT AT CALCUTTA
Testamentary and Intestate Jurisdiction
ORIGINAL SIDE

IN THE GOODS OF :
SUDHANATH MUKHERJEE @ SUDHA MUKHERJEE (DEC)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : September 19, 2022.

Appearance:

Ms. Suchismita Chatterjee Ghosh, Adv.

Mr. Malay Kumar Seal, Adv.

The Court: The petitioner has filed the instant application for recalling of the order dated 22nd April, 2016 passed in PLA/281/2012 wherein this Court had dismissed the Probate application for default.

The counsel for the petitioner submits that the executor, namely, Rudradeb Mukherjee died on 27th February, 2013 leaving behind his only son, namely, Aroush Tagore (Mukherjee). The son of the executor was minor and he has attained majority only on 11th February, 2021. The counsel for the petitioner submits as the original executor, Rudradeb Mukherjee expired leaving behind the petitioner herein and the petitioner will get the benefit of the Will executed by the deceased Sudhanath Mukherjee. The Counsel for the petitioner further submits that in the said Will, the deceased has also directed Rudradeb Mukherjee to pay Rs.8 lakhs to the petitioner herein when he attains the majority. Counsel for the petitioner submits that as the petitioner

came to know about the instant proceeding in which the father of the petitioner was the executor of the Will left by the deceased Sudhanath Mukherjee and after the death of Rudradeb Mukherjee, the petitioner is entitled to get the same by inheritance in accordance with law.

Perused the application and the documents as relied by the petitioner. It is found that the petitioner has shown sufficient cause for not filing the application in time after the death of the executor, namely, Rudradeb Mukherjee. Hence, this Court is inclined to allow the application by recalling the order dated 22nd April, 2016 and by restoring the PLA/281/2012 to its original file and number.

The department is directed to take appropriate steps for conversion of the PLA/281/2012 within two weeks after the Puja Vacation. The petitioner is also directed to take appropriate steps in this regard.

GA/1/2022 is, thus, disposed of.

(KRISHNA RAO, J.)