

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

IA NO. GA/10/2025
In PLA/264/2009

IN THE GOODS OF:
NIRMAL KUMAR DUTTA (DEC)

BEFORE:
The Hon'ble JUSTICE BIVAS PATTANAYAK
Date : 11th March, 2025.

Appearance:

*Mr. Ritoban Sarkar, Adv.
Mr. Joydeep Ray, Adv.
Mr. Paritosh Sinha, Adv.
Mr. Shourya Samanta, Adv.
...for the petitioner.*

The Court :- By the present application, the applicant seeks for the following orders;

“(a) Leave be granted to your petitioner to serve a copy of the instant application on the Branch Manager, Punjab National Bank, Chetla Branch, situated at 33 & 33/1 Chetla Central Road, Kolkata-700027;

(b) A direction by this Hon'ble Court on Branch Manager, Punjab National Bank, Chetla Branch, situated at 33 & 33/1 Chetla Central Road, Kolkata-700027 to allow operation of the aforesaid Locker being no. A-173 to the Executor upon giving prior intimation of the date so fixed for such handing over to the Executor;

(c) In the alternative, a direction may be passed by the aforesaid Senior Branch Manager, Punjab National Bank, Chetla Branch, situated at 33 & 33/1 Chetla Central Road, Kolkata-700027 to hand over the keys of the said Locker to the Executor so that the Executor can operate the said Locker and take out the necessary articles which are lying thereat and close the account;

(d) Costs as may be assessed by this Hon'ble Court to be paid to the petitioner;

(e) Ad interim orders in terms of prayers above;

(f) Such further orders or other orders be given as this Hon'ble Court may deem fit and proper.”

Mr. Ritoban Sarkar, learned Advocate for the applicant submits that the probate of the last Will and Testament dated 31st July, 1994 of deceased Nirmala Kumar Dutta, was granted on 22nd June, 2023. The applicant being the executor, after such grant of probate, applied before the Branch

Manager, Punjab National Bank, Chetla Branch for opening of the locker being no. A-173 in the name of the deceased for causing inventory of the articles. However, the applicant-executor was not allowed to operate the locker by the Branch Manager, Punjab National Bank without any rhyme or reason. He seeks for an appropriate order in terms of prayer (c) of Master's summons.

Considering the averments made in the application and the letter addressed to the Branch Manager, Punjab National Bank, Chetla Branch, let there be an order in terms of prayer (c) of the Master's Summons.

The petitioner is directed to serve copy of the instant application upon the Branch Manager, Punjab National Bank, Chetla Branch and file affidavit of service on the returnable date.

List this matter on 25th March, 2025.

(BIVAS PATTANAYAK, J.)