

IA NO. GA/5/2021
IN PLA/339/2015
IN THE HIGH COURT AT CALCUTTA
ORIGINAL SIDE

IN THE GOODS OF:
SURESH CHANDRA AGARWAL, DECEASED

BEFORE:
The Hon'ble JUSTICE DEBANGSU BASAK
Date: 5th February, 2021.

(Via Video Conference)

Appearance:
Mr. Jishnu Chowdhury, Adv.
Mr. S. Banerjee, Adv.

Mr. Debdutta Sen, Adv.
Ms. Suchismita Chatterjee, Adv.
Mr. Malay K. Seal, Adv.

The Court: The applicant before Court seeks removal of the executor.

Learned advocate appearing for the applicant submits that the executor is demolishing the portions of the immovable property. The portions of the immovable property were allotted to different parties under the Will. The executor is not acting in terms of the Will of the deceased. He submits that unless restrained, the executor is likely to dispossess the applicant from the area under her occupation.

Learned advocate appearing for the executor submits that the executor is acting strictly in terms of the probate granted. He submits that the question of dispossessing the applicant does not arise.

In such circumstances, it would be appropriate to permit the parties to file affidavits.

Let affidavit in opposition be filed within three weeks from date; reply thereto, if any, within two weeks thereafter. List the application as “Adjourned Motion” five weeks hence.

During the pendency of this application, it would be appropriate to restrain the executor from dispossessing the applicant or from distributing her possession at the premises concerned or from interfering with the ingress and egress of the applicant at the premises.

(DEBANGSU BASAK, J.)

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