

05,DL,Ct.18.
08.02.2021
AJ.

C.O. 215 of 2021

Dilip Chattopadhyay
-Vs-
Sri Amitava Chattopadhyay @ Babla & Anr.

Ms. Deblina Lahiri,
Mr. Mrinmoy Chatterjee.
....for the petitioner.

Mr. Shamit Sanyal,
Mr. Anirban Das,
Ms. Priyakshi Banerjee.
...for the opposite parties.

Mr. Satyabrata Ghosh.
....Administrator.

Affidavit of service filed in Court today be
kept with the record.

The instant revisional application under
Article 227 of the Constitution of India is arising
out of a probate proceeding.

The opposite party no. 1 applied for grant
of probate of a Will allegedly executed by one
Amal Kumar Chattopadhyay. The application for
grant being objected by the petitioner became a
contentious cause and is pending before the
learned District Judge, Nadia as Other Suit No.
04 of 2019.

In the said suit, the said opposite party
applied for appointment of an Administrator
pendente lite alleging that the defendants are
dealing with the properties covered under the
said Will.

The learned District Judge found that the

defendants have sold some properties covered under the said Will during the pendency of the probate suit without taking leave even without informing the Court and accordingly appointed Shri Satyabrata Ghosh learned advocate of the said Court as the Administrator *pendente lite*.

The object of appointment of Administrator *pendente lite* as envisaged under Section 247 of the Indian Succession Act, 1925 is to preserve the property from being destroyed or dissipated.

The alienation of the properties covered under the Will by the defendants during the pendency of the connected probate suit is admitted. That being the position the learned Trial Judge has not committed any jurisdictional error in appointing the Administrator *pendente lite*.

The order impugned being Order No. 14 dated January 06, 2021 for the aforesaid reason does not call for any interference.

C.O. 215 of 2021 is dismissed. No order for costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)