

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

APOT/5/2021
WITH PLA/276/2017
GA/63/2020
IA NO: GA/1/2021

IN THE GOODS OF: P.K. DUTTA [DEC.]
VS.
SONALI DUTTA
VS.
PIALI DUTTA NARMAND
.....

BEFORE:

The Hon'ble JUSTICE I. P. MUKERJI
AND
The Hon'ble JUSTICE MD. NIZAMUDDIN
Date : 22nd February, 2021.
[VIA VIDEO CONFERENCE]

*Mr. Jishnu Chowdhury, Mr. Aniruddha Mitra,
Mr. G. S. Gupta, Advs...appear.*

*Mr. Anirban Kar, Mr. P. K. Shee,
Mr. Nibedita Mukherjee, Adv...appear.*

The Court : We have gone through the affidavit affirmed by the appellant on 12th February, 2021 before a Notary Public in England and Wales.

We have also gone through the affidavit affirmed by the respondent on 12th February, 2021 before a Notary Public in Mumbai.

The accounts as disclosed by the appellant reveal that she has an account with the State Bank of India. She is described in the account as an Administrator. It was opened on 7th June, 2018 with Rs.15,000/-. Thereafter, various amounts were credited into it and debited from it.

It appears that substantial credit in that account was by transfer from the personal account of the testator. Expenses as incurred by the administrator are also shown in the debit column. As a result of this, on 12th January, 2021 the balance in the bank account was Rs.18,96,991.13.

Furthermore, the affidavit from pages 24 to 27 thereof gives a statement of five Term Deposits in the name of the Administrator, all created on 29th May, 2019.

As we noted in our order dated 27th January, 2021 the estate has been almost fully administered. Only the above monies remain for distribution.

Prima facie, on a perusal of these statements, we are of the view that the executrix should be allowed to complete administration of the estate within a reasonably short time. We do not think that there was any need for her removal and replacement by appointment of Joint Administrators.

We have been told that before the learned single Judge there is a pending application for amendment of the affidavit of assets.

Whatever may be the situation, we grant the executrix four months' time from this date to file an inventory and accounts in respect of the estate as well as the assent to legacy showing distribution of the estate in accordance with the subject Will and probate.

We make it absolutely clear that in our view completion of administration of the estate is paramount.

Any right or remedy arising out of the said inventory and accounts and assent to legacy is expressly kept open to be availed of by the respondent.

That part of the impugned order dated 13th February, 2020 restraining the executrix from discharging her function and appointing Joint Administrators is set aside.

This appeal and the connected application are disposed of.

(I. P. MUKERJI, J.)

(MD. NIZAMUDDIN, J.)

