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IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

APOT/120/2021
WITH TS/15/2019

IA NO:GA/1/2021

IN THE GOODS OF: BATUK NATH BHATTACHARJEE [DEC.]
AND
DIPANJAN BHATTACHARJEE
VS.
RAJOSHREE MUKHERJEE

BEFORE:
The Hon'ble JUSTICE I. P. MUKERJI
AND
The Hon'ble JUSTICE ANIRUDDHA ROY
Date : 23rd August, 2021.
[VIA VIDEO CONFERENCE]

Mr. Jishnu Saha, Sr. Adv.,
Mr. Debraj Dutta, Mr.S. Lahiri, Ms. Satabdi Dutta,
Mr. Ganesh N. Jajodia, Advs...for appellant.

Mr. Sivaprasad Ghosh, Adv...for caveatrix.

The Court : The only part of the impugned judgment and order dated 19th November, 2019 by which the appellant is aggrieved is the observation of the learned judge that "it is further clarified that, this order will not prevent the bank from proceeding against the estate of the deceased".

The court was hearing an application for grant of Letters of Administration with a copy of the Will annexed. It had jurisdiction to rule on the validity of the Will.

The observation that the order would not prevent the bank from proceeding against the estate of the deceased was an observation in relation to a matter which is not connected to the proceeding at all.

This, according to Mr. Saha, is having a very serious repercussion in the proceeding concerning the estate of the testator in the Debts Recovery Tribunal.

As the point involved is very short, we have heard out the appeal dispensing with all formalities. The said part of the order, namely, "it is further clarified that, this order will not prevent the bank from proceeding against the estate of the deceased" is expunged. The rest of the order is affirmed.

The caveatrix shall take steps for early trial of the proceedings.

The appeal and the connected application are disposed of with the above observations.

(I. P. MUKERJI, J.)

(ANIRUDDHA ROY, J.)

