

**Sankar Nath @ Sankar Narayan Chakrabarty & Ors.  
Vs.  
Branch Manager, State Bank of India,  
Krishnagar Main Branch**

Mr. Soumyadeep Biswas  
... For the Appellants

Ms. Debolina Lahiri  
... For the Respondent

On 22<sup>nd</sup> July, 2022 we heard the appeal. The appeal, however, was not disposed of, although in the said order it was inadvertently recorded that the appeal was disposed of.

In the first paragraph of the order dated 22<sup>nd</sup> July, 2022, the phrase **“and disposed of by this order”** stands deleted.

Let the mistake be corrected.

The other portions of the order dated 22<sup>nd</sup> July, 2022 shall remain unaltered.

After hearing the learned counsel appearing for the parties on 22<sup>nd</sup> July, 2022 and after taking into consideration the judgment of the coordinate bench in the case of **State Bank of India Vs. Netai Ch. Porel, reported in AIR 1982 (Calcutta) 92**, where it has been held that the succession certificate would not be the required documents for the purpose of operation of the locker and having regard to the fact that it was open to the learned Trial Judge to convert the proceeding instituted by the appellants to a proceeding for Letters of Administration, we convert the suit to a proceeding of Letters of Administration and on the basis of the evidence on record, we grant the Letters of Administration in favour of the plaintiffs. However, for the

purpose of payment of deficit court fees, the inventory of the contents of the locker was necessary and accordingly, we passed certain directions.

Ms. Debolina Lahiri, learned counsel appearing for the bank, submits that valuation was made earlier on 19<sup>th</sup> July, 2022 prior to the order passed in this proceeding, which, however, could not be brought to the notice of the Court, as she was not aware of such exercise carried out by the bank.

In view of the above, we dispose of the appeal by directing the Trial Court to convert the suit by treating the same as an application of Letters of Administration. We have already decided that the plaintiffs are entitled to Letter of Administration.

The appellants shall put in the deficit court fees on the basis of the valuation made by the State Bank of India in addition to the contents of the locker within four weeks from date. Upon payment of such deficit court fees, the appellants shall be entitled to Letters of Administration in their favour.

Accordingly, the Appeal succeeds. The judgment of the Trial Court is hereby set aside.

This order should be read along with the order dated 22<sup>nd</sup> July, 2022.

The Appraiser Certificate filed by Ms. Debolina Lahiri, is taken on record.

**(Siddhartha Roy Chowdhury, J.)**

**(Soumen Sen, J.)**

