

S/L 7
26.12.2021
Court. No. 7
Suwayan
GB

W.P.A. 29052 of 2022

Munni Malha
Vs.
The State of West Bengal & Ors.

Mr. Sudeep Sanyal,
Mr. Bikash Kumar Sriwastav

...for the Petitioner.

Mr. Tapan Kr. Mukherjee,
Mr. Dipankar Ghosh

...for the State.

Mr. Anand Keshari

...for the Respondent No.3.

The facts involved in the writ petition are not very palatable.

The petitioner being the alleged second wife, prays for a direction upon the respondent no.2 to hand over the dead body of one Ashoke Kumar Malha, to her for cremation.

The dead body is lying with the Medical Superintendent-cum-Vice Principal, Institute of Post Graduation Medical Education and Research and Seth Sukhlal Karnani Memorial Hospital.

Mr. Anand Keshari, learned advocate appears for the respondent no.3, first wife. He opposes the prayer.

It is not in dispute between the parties that a divorce suit was pending between the said Ashoke Kumar Malha and respondent no.3, but no order of divorce had been passed.

The intention of the parties is not very difficult to understand. It is probably to establish a right over the properties and assets of said Ashoke Kumar Malha by projecting themselves to be the legal heirs of Ashoke.

I am not at all inclined to go into all these aspects of this matter at this unfortunate juncture. The priority should be to dispose of the dead body as expeditiously as possible. The respondent no.2 will immediately hand over the dead body of Ashok Kumar Malha to the respondent no.3 for the purpose of cremation. The petitioner will also be allowed to take part in cremation and perform necessary rituals, if any.

Needless to say that the participation in the rituals will not create any rights in favour of any of the parties.

With the above observations, the writ petition being W.P.A. 29052 of 2022 is disposed of.

However, there will be no order as to costs.

Urgent xerox certified copy of this order be given to the parties on priority basis.

(Kausik Chanda, J.)