

16.10.2023
Item No.09
Court No.18
AJ.

W.P.A. 18281 of 2023

Jalaluddin Sekh

-Vs-

The State of West Bengal & Ors.

Ms. Pampa Dey (Dhabal).

.....for the petitioner.

Mr. Suman Dey,

Mr. Vijay Agarwal.

.....for the State.

Mr. Soumyadeep Biswas.

.....for the respondent no.9.

The petitioner is the husband of a deceased Assistant Teacher of a secondary school. The death benefits of the said deceased teacher were distributed equally between her husband and her minor daughter. The said daughter is now in the custody of the brother of the said teacher.

The petitioner is praying that the entire death benefits be paid to him.

Mr. Biswas learned Advocate appears on behalf of the said brother of the deceased teacher, the added respondent no.9 herein. He submits that his client is taking care for the proper upbringing of the minor and has filed a proceeding under the Guardian and Wards Act, 1890 for his appointment as the guardian of the said minor. He produces the passbook of the bank account standing in the name of the said minor wherefrom it appears that the share of the minor in the death benefits of her deceased

mother was credited to the said bank account and it has not been touched by anyone.

Therefore, the allegation of the petitioner that the respondent no. 9 is misusing the money of the minor is not correct. The writ petition therefore fails, WPA 18281 of 2023 is dismissed without any order as to 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.)