

ORDER SHEET

PLA 171 of 2022
IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY & INTESTATE JURISDICTION

IN THE GOODS OF :
HAN HSIEN LIAO, DECEASED

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 31st August, 2023.

Mr. Bishajib Ghosh, Mr. S. Chakraborty, Advocates
for the petitioner.

The Court : The son of the deceased who was at the time of his death a Buddhist by faith has applied for letters of administration. The properties in respect of which administration is sought for are movables said to have been acquired by the deceased out of his self income. In respect of a Buddhist, the Hindu Succession Act, 1956 is applicable. The heirs in intestacy would, therefore, be determined as per the provisions of Hindu Succession Act, 1956. The deceased being a male and by faith Buddhist therefore squarely comes under the provision of Section 8 of the Hindu Succession Act, 1956 so far as the inheritance is concerned. The deceased left behind his son, the applicant and his widow who are Class I heirs under the Hindu Succession Act, 1956 and also the heirs under the Indian Succession Act, 1956. In the presence of the heirs under Class-I and there being no other heirs as stated in the petition, the widow is the only other person who can oppose the grant of letters of administration applied by the son of the deceased. The widow has consented to the

grant. No one else as per the information provided in the petition requires to be cited.

Although, the applicant has stated that the deceased was governed by Dayabhaga School of Hindu Law but without going into the correctness of such statement as it will not effect the right of intestate inheritance, the letters of administration is granted to the son being the applicant subject to furnishing a personal bond of Rs.1,20,000/- with one surety.

The application being PLA 171 of 2022 stands disposed of.

(ARINDAM MUKHERJEE, J.)