

PLA/386/2022
IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY AND INTESTATE JURISDICTION

IN THE GOODS OF:
PARIMAL KANTI BOSE
AND
MRS. PUTUL RANI BOSE, DECEASED

BEFORE:
The Hon'ble JUSTICE ARINDAM MUKHERJEE
Date: 27th April, 2023.

Appearance:
Mr. Swarup Banerjee, Adv.
Ms. Shreyasi Sanyal, Adv.
Mr. N. C. Das, Adv.
For the Applicant.

The Court :- This is an application for Letters of Administration made by Chandrani Basu, the only daughter of Parimal Kanti Bose who has been described as deceased no.1 in the cause title of the application for grant of probate being PLA No. 386 of 2022. The applicant is also the grand daughter of Putul Rani Bose through one of her son, namely Parimal Kanti Bose. Putul Rani Bose has been named as deceased no.2 in the cause title of the application being PLA No. 386 of 2022.

After hearing the petitioner and considering the materials on record, I find that Putul Rani Bose died on 14th October, 2019 leaving behind her son Parimal Kanti Bose and Smt. Sipra Bose wife of Nirmal Kanti Bose being the other son of Putul Rani Bose who pre-deceased Putul Rani Bose as her heir/heirress in intestacy. Parimal Kanti Bose died on 26th July, 2020.

The legal position as per the intestate succession with regard to the estate of Putul Rani Bose will be that on her death it will devolve on Parimal Kanti Bose and Sipra Bose in equal properties. If the estate of Putul Rani Bose

remains unadministered, the petitioner can ask for letters of administration of such estate. The petitioner as daughter of Parimal can also ask for letters of administration of the estate left behind by Parimal Kanti, but unfortunately in a single application the applicant is seeking letters of administration in respect of the estate of Putul Rani as also the estate of Parimal Kanti which is impermissible in law. The simple reason is that after the death of Putul Rani half of her estate in absence of partition has come to Parimal in undivided form. Parimal's estate, therefore, comprises of 50% undivided share of the estate left behind by Putul Rani as also the estate acquired by him. There is no demarcation in respect of the two estates i.e. 50% undivided share left behind by Putul Rani and the estate acquired and left behind by Parimal in the affidavit of asset. Moreover half of Putul's estate in undivided form has gone to Sipra. There is also no statement as to whether the estate of Putul was administered or remained unadministered till the date of Parimal. The consent affidavit of Sipra will also not cure this defect. The application, therefore, is not in proper form, without there being specific details and untenable in law.

The application, therefore, stands dismissed.

However, dismissal of this application will not prevent the applicant from making specific application with requisite details and particulars, if permissible in law in respect of the two estates separately.

The Original Will and the Court fees paid for filing the instant application be returned to the applicant after completing the necessary formalities.

(ARINDAM MUKHERJEE, J.)

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