

ML 176
12.11.2024
S. Gayen
ct.no.5

CO 1053 of 2024

**Minor Swagatalakshmi Ghosal
Rep. by Smt. Sandhya Chakraborty
Versus
Nil**

Mr. Buddhadev Ghoshal
Ms. Ankita Mondal

...for the petitioner

1. The instant revisional application has been filed, *inter alia*, challenging the order dated 21st February, 2024 passed by the learned 1st Court, Civil Judge (Senior Division), Howrah being District Delegate, Howrah in L.O.A. No. 09 of 2021, whereby the application filed by the petitioner for recall of the order dated 28th November, 2023, directing the petitioner to take steps for completing inventory commission of the locker, was rejected.
2. Mr. Ghoshal, learned advocated representing the petitioner by drawing the attention of this Court to the order dated 22nd of February, 2024, would submit that the learned District Delegate has exceeded his jurisdiction in directing inventory in terms of Section 317(3) of the Indian Succession Act. He would submit that the petitioner is a minor represented by Sandhya Chakraborty, wife of Late Nitya Gopal Chakraborty and the maternal grandmother of the minor, Swagatalakshmi Ghoshal, and had

been appointed as testamentary guardian by the learned Court of the District Judge, Howrah vide order No. 14 dated 9th July, 2018 under the provisions of Section 7 of the Guardians and Wards Act, 1980 in Misc. Case No. 18 of 2017. A copy of the aforesaid order dated 9th July, 2018 as placed before this Court, is taken on record. He would submit that the father of the minor, Gopal Ghoshal had died intestate on 23rd November, 2016 while the mother of the minor had also died intestate on 5th November, 2018 leaving behind and surviving her only legal heir, Swagatalakshmi.

3. According to the petitioner, since the minor is entitled to the interest in the locker left behind by her deceased parents, being Locker No. SDL335 lying at Canara Bank, 351, Netaji Subhash Road, Howrah-711101, an application has been filed by the Court appointed guardian, for Letters of Administration in respect of aforesaid bank locker. The petitioner would submit that at the time of the filing of the application maximum Court fees of Rs. 50,000 (fifty thousand) has been paid. It appears that by order dated 20th November, 2023 the learned Judge had proceeded to record that without inventorising the locker, it is not possible to pass any order for grant of Letters of Administration. Seeking recall and/or modification of the order, an application had been

filed, which came to be dismissed by order dated 21st of February, 2024.

4. I find that the learned Judge by relying on the provisions of Section 317(3) of the Indian Succession Act has directed holding of such inventory. It is submitted that since the Administrator is yet to be appointed, no order under Section 317(3) of the Indian Succession Act could have been passed.
5. Upon perusal of the aforesaid order and the materials on record, I may note that the contents of the locker has not been brought to the notice of the learned Court and in fact from the averments made, it would be clear that the petitioner is also not aware as to the contents of the locker. Having regard thereto, it was only appropriate for the learned Judge to direct an inventory to be conducted.
6. In my view, such inventory ought to take place under the supervision of the learned Court and for the said purpose the learned Court may issue appropriate directions on the Manager, Canara Bank to open the locker, and to inventory the contents of the said locker in the presence of the petitioner and to file a report before the learned Court.
7. For the said purpose, no inventory under Section 317(3) of the Indian Succession Act would be required to be conducted at this stage. Having regard thereto, I dispose of the revisional application

by directing the District Delegate, Howrah to issue appropriate order for the purpose of ensuring the inventory of the locker is completed, having regard to the observations made herein.

8. Since, the matter is pending since 2021, it is expected that the steps would be taken expeditiously to dispose of the proceeding for grant of letters of Administration by carrying out the inventory and valuation as early as possible, preferably within a period of six months from the date of communication of the order.
9. All parties are to act on the basis of server copy of this order duly downloaded from the official website of this Court.

(Raja Basu Chowdhury, J.)