

OD-16

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Testamentary and Intestate Jurisdiction
ORIGINAL SIDE

PLA/208/2024

IN THE GOODS OF AMALENDU BANERJEE (DEC)

BEFORE:

The Hon'ble JUSTICE BIVAS PATTANAYAK

Date : 13th September, 2024.

Appearance:

Mr. Nirmalya Dasgupta, Adv.

Mr. R. L. Mitra, Adv.

Ms. Priyanka Dhar, Adv.

... for the plaintiff.

The Court :- The matter is placed at the instance of the Registrar-in-insolvency.

Mr. Nirmalya Dasgupta, learned Advocate for the petitioner submits that the mother of the petitioner is suffering from Kidney ailment and has to undergo dialysis on regular course. For such reason the petitioner is facing financial stringency and is not in a position to furnish bond in terms of Chapter XXXV Rule 15 of the Original Side Rules. He seeks for dispensing with requirement of furnishing a personal bond with sureties due to the aforesaid reason. To buttress his contention, he relies on a decision of Hon'ble Division Bench passed in IA No. GA/1/2024 in APOT/17/2024 with PLA/632/2022 (*In the goods of: Debananda Saha, since deceased versus Rupali Saha & ors.*). He seeks for grant of letters of administration dispensing with requirement of furnishing personal bond with sureties.

Considering the ground stated by the learned advocate for the petitioner, let there be order in terms of prayer (a) of the petition. The requirement of furnishing a personal bond with sureties is dispensed with. The petitioner is directed to furnish a personal bond in the form of undertaking to reimburse the estate to the extent of Rs.20,00,000/- in case of any loss to the estate caused by him without necessity of any security to back it up e.g. cash, fixed deposit etc.

The petition stands disposed of.

(BIVAS PATTANAYAK, J.)

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