

12.11.2025.
Court No.13
Item No. 23
ap

F.A. No. 145 of 2016

**Shampa Mukherjee & Anr. in place of Dr. Amitava
Mukerji (since deceased)
Versus
Ananya Chattopadhyay & Ors.**

Mr. Uttiya Roy.

...For the appellant.

Mrs. Mekhla Sinha.

...For the respondent nos.3(a) & (b) and 4.

1. The instant first appeal is directed against an order dated 31st January, 2013 passed by the learned Civil Judge (Senior Division), Burdwan and the District Delegate, Burdwan in L.A. Case No. 60 of 2011.
2. It appears that the appellant, Amitava Mukerji, had applied for Letters of Administration in respect of a locker that was held in the joint names of his mother, late Anima Mukerji and Prathana Samaddar, his sister.
3. The appellant's parents and uncles died in a motor accident. In the Court below, two other sisters, namely, Ajanta Roy and Mandira Bhattacharjee, had consented to the Letters of Administration in favour of the appellant. The other legal heirs of the deceased mother, namely, Ananya Chattopadhyay and Anupam Samaddar neither filed any objection nor contested the proceedings for Letter of Administration.

4. The appellant is aggrieved that the Letters of Administration have been granted jointly to the appellant and Anupam Samaddar and Ananya Chattopadhyay. The other two Anupam and Ananya could not have been granted joint Letters of Administration with the appellant since they did not even contest the proceedings in the Trial Court.

5. During the proceedings in the Trial Court, an Advocate Commissioner was appointed to conduct inventory of the articles in the Bank's Locker in question. It is only in respect of the contents of the locker that the Letters of Administration was applied for.

6. After inventory due valuation of the contents of the locker has also been effected through an Authorized Valuer. Inventory list and valuation are annexed to the paper books.

7. A Co-ordinate Bench of this Court on 18th August, 2025 has ordered that the appeal may be proceeded with since Ananya Chattopadhyay and Anupam Samaddar have not contested the proceedings in the Trial Court and are also not appearing before this Court, despite service.

8. Having regard to the above, this Court is of the view that the impugned order dated 31st January, 2013 passed by the learned Civil Judge (Senior Division), Burdwan must stand modified appointing the legal heirs of Amitava Mukerji, namely, Shampa

Mukherjee and Anwesha Mukherjee as Joint Administrators for the locker in question.

9. Since Anwesha Mukherjee is married and presently lives abroad, let Shampa Mukherjee be appointed as sole administrator for the subject locker No.46 lying with the Indian Bank, B.C. Road, Barabazar Branch, Burdwan. Shampa Mukherjee shall execute a bond to the satisfaction of the Indian Bank, B.C. Road, Burdwan Branch and shall be entitled to operate, deal with and dispose of the contents of the locker in question.

10. The administrator shall, however, be subject to all the liabilities as prescribed under the Indian Succession Act, 1925, comply with any formalities present or future.

11. The aforesaid order is consented to by the other two sisters, the respondent nos.3(a) and 3(b) and 4, who are represented through the learned Advocate before this Court.

12. With the aforesaid directions, F.A. No. 145 of 2016 is disposed of.

13. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)

