

Court No. 6
(265719)

19.05.2025
(AD 12)
(S. Banerjee)

CO 1731 of 2025

Ishita (Das) Chakrabarty
Vs.
Smt. Mridula Das

Mr. Sabyasachi Chatterjee
Mr. Akashdeep Mukherjee
Mr. Sayan Banerjee
Mr. Badrul Karim

...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the widow of Late Sarit Sekhar Das, since deceased, and is directed against an order dated March 3, 2025 passed by the learned District Delegate, Howrah in Succession Case No. 102 of 2021. By the order impugned an application filed by the petitioner herein challenging the maintainability of the succession case stood rejected.

On a query of the court Mr. Chatterjee, learned advocate appearing for the petitioner, in his usual fairness, submits that apart from the LICs there are other deposits before bank as well as other institutions which forms the subject-matter of the succession case. He submits that by virtue of a recent amendment in Section 39(7) of the Insurance Act, 1938, the petitioner is entitled to pray for segregation

of the certificate insofar as the LIC policies are concerned.

However, it appears from the application filed by the petitioner before the learned District Delegate that the petitioner has raised an objection to the maintainability of the succession case as a whole.

The learned District Delegate assigned cogent reasons for rejecting the said application. This court does not find any reason to interfere with the same.

Accordingly, CO 1731 of 2025 stands dismissed.

This order shall not prevent the petitioner from taking out an appropriate application before the learned District Delegate and, if such an application is taken out, the learned District Delegate is directed to consider the same and dispose of the same in accordance with law after giving an opportunity of hearing to the respective parties.

(Hiranmay Bhattacharyya, J.)