

ORDER SHEET

PLA/110/2025
IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY AND INTESTATE JURISDICTION

IN THE GOODS OF:
SANJOY KUMAR MITTER ALIAS SANJOY K MITTER, DECEASED

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE
Date: 14th August, 2025.

Appearance:
Mr. Joydip Kar, Sr. Adv.
Mr. Debdeep Sinha, Adv.
For petitioner

The Court : This is an application for grant of Letters of Administration of the estate left behind by Sanjoy Kumar Mitter, the deceased abovenamed in India with an authenticated copy of the last Will and Testament dated 10th February, 2022. The deceased had left behind a Will dated 10th February, 2022, the probate of which has been obtained from the Probate Court, Middlesex County, Massachusetts, USA. The Letters of Administration is sought for with a copy of the probate so obtained in USA restricted only to the two bank accounts one of which is within the Ordinary Original Civil Jurisdiction of this Court and the other is outside the jurisdiction comprising the estate of the deceased in India. The application for Letters of Administration, therefore, is maintainable before this Court in exercise of its concurrent jurisdiction under Section 300 of the Indian Succession Act, 1925.

It is further submitted by the petitioner that the executrix is a foreign national and, as such, is not in a position to arrange for any sureties for the purpose of obtaining the Letters of Administration in India. As an alternative measure, it is submitted by the petitioner that the money lying in these two bank accounts shall ultimately devolve onto the niece of the deceased being the sister's daughter and the sole beneficiary. It is, therefore, submitted by the petitioner that instead of directing surety, as an alternative arrangement, 10% of the amount lying in the said two bank accounts be not permitted to be withdrawn till the inventory and accounts in respect of the 90% of the amounts in the said two bank account are filed. After filing of the inventory and accounts supplemental inventory and accounts for 90% may be filed to deal with the balance 10% amount which may be directed to be left in the bank accounts while operating the same.

It is further submitted by the petitioner that the balance in the two bank accounts, one maintained in Standard Chartered Bank New Alipore Branch situate at 17/5A, Nalini Ranjan Avenue, Kolkata-700053 being A/C No.3321016027 and the other being NRE Account No. 00000039062751015 maintained with, State Bank Of India, NRI Branch, Kolkata, 1st Floor, Sribriddhi Bhavan, 34, Jawaharlal Nehru Road, Kolkata – 700 071 will be around INR 1,00,00,000. So 10 % of such sum may be directed to be left in the accounts while operating the same.

In the aforesaid facts and circumstances, the Letters of Administration as prayed for in terms of prayer (a) of this application is granted to the applicant subject to the Administrator operating the two bank accounts as aforesaid leaving aside a balance sum of Rs. 12 lakhs jointly and/or severally in the said two bank accounts. Once the inventory and the accounts in terms of the grant are filed, it will be open to the Administrator to apply for further directions of this Court in respect of the balance

sum. The estate of the deceased in India shall be administered by the Administrator in accordance with the prevailing laws of India.

The application being PLA/110/2025 is, accordingly disposed of.

(ARINDAM MUKHERJEE, J.)

Sb/