

OD-10

APOT/249/2025
WITH
PLA/248/2023
IA NO: GA/1/2025

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

IN THE GOODS OF
SARAMA MUKHERJEE, DEC.
- AND -
IN THE MATTER OF:
SANTANU MUKHERJEE
VS
NA

BEFORE:
The Hon'ble JUSTICE ARIJIT BANERJEE

The Hon'ble JUSTICE OM NARAYAN RAI
Date : 17th September, 2025.

Appearance:
Ms. Sanchari Chakraborty, Adv.
Ms. Akanksha Chowdhury, Adv.
Mr. Samriddha Saha, Adv.
...for the appellants

Dictated by Arijit Banerjee, J.

The Court : GA/1/2025 is an application for condonation of delay of 42 days in presenting the appeal. Causes shown being sufficient, the delay is condoned.

This appeal is directed against an order dated June 9, 2025, passed by a Learned Judge of this Court in PLA/248/2023.

The appellant applied for letter of administration in respect of the estate of Sarama Mukherjee, since deceased, who was the mother of the present appellant. Letter of administration was granted in favour of the present appellant by an order dated March 8, 2024, passed by a Learned Judge of this Court. However, by that order the appellant was directed to furnish a personal bond of a sum of Rs.22,00,000/- with two sureties.

It appears that on June 9, 2025, the appellant made an oral prayer before the Learned Single Judge for reduction of the amount of the personal bond. The Learned Judge referred to Chapter- XXXV Rule 15 of the Original Side Rules of this Court and declined such prayer. The Learned Judge observed that no ground has been made out for reduction of the amount of the personal bond.

Being aggrieved, the applicant has come up by way of this appeal.

Ms. Chakraborty, Learned Advocate representing the appellant, says that the net worth of the appellant is approximately Rs.10 lakh. His annual income is approximately Rs.4.35 lakh. It is completely beyond his means to furnish a personal bond for Rs.22 lakh. He is the son and the only legal heir of the deceased person. Hence, the bond amount should be reduced appropriately. In fact, given that there can be no other claimant in respect of the estate of the deceased, the requirement of furnishing personal bond should be done away with altogether.

Several documents have been annexed to the petition filed in this appeal. We see that these documents were not there before the Learned Single Judge

when His Lordship passed the order impugned in this appeal. Naturally so, because the impugned order was passed rejecting an oral prayer of the appellant. We deem it appropriate to remand the matter to the Learned Single Judge with a request to consider the appellant's prayer afresh and we do so.

The order under appeal is accordingly set aside.

The appellant will be at liberty to file a formal application before the Learned Single Judge annexing all documents on which he wishes to rely. We request the Learned Single Judge having determination to hear the matter to decide the appellant's prayer for doing with the requirement of furnishing a personal bond or for reduction of the bond amount, afresh and without being influenced by any observation in this order or in the order dated June 9, 2025 which is under challenge before us.

The appeal and the connected application stand disposed of.

(ARIJIT BANERJEE, J.)

(OM NARAYAN RAI, J.)

kc.