

OD-8

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

APOT/310/2025
IA No. GA/1/2025

IN THE GOODS OF:
JAYANTI LAL BHANULAL KOTHARI ALIAS JAYANTI LAL KOTHARI
-AND-
SAILESH KOTHARI

BEFORE:
The Hon'ble JUSTICE DEBANGSU BASAK
-AND-
The Hon'ble JUSTICE MD. SHABBAR RASHIDI

Date: December 8, 2025.

Appearance:
Mr. Rajeev Kumar Jain, Adv.
Ms. Yamini Mahawar, Adv.
...for the appellant

The Court : Appeal is directed against an order dated November 12, 2025 passed in PLA/431/2021.

By the impugned order, learned Single Judge, directed citations to be issued.

Learned advocate appearing for the appellant submits that, the ratio of the decision noted by the learned Single Judge, does not permit such directions to be issued.

Before the learned Single Judge, the appellant prayed for issuance of Letters of Administration in respect of estate of the deceased, since no executor was appointed.

In fact, appellant filed an application for grant of probate which was converted into grant of Letters of Administration.

Learned Single Judge, considered it prudent to direct issuance of citations, since learned Single Judge, did not consider the application to be simpliciter for grant of Letters of Administration.

Learned Single Judge considered the application for grant of Letters of Administration and made it subject to proof of due execution of the Will.

Due execution of the Will is required to be established at the proceeding.

In such circumstances, we are not minded to interfere with the order impugned.

APOT/310/2025 is disposed of without any order as to costs along with all connected applications.

(DEBANGSU BASAK, J.)

(MD. SHABBAR RASHIDI, J.)