

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY AND INTESTATE JURISDICTION
ORIGINAL SIDE

PLA/496/2023
IN THE GOODS OF:
ZUBEIDA BAI HATIM BHAI, DECEASED

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date: 20th January, 2025.

Appearance:
Mr. Sabyasachi Sen, Adv.
...for the petitioner.

The Court : Mr. Sabyasachi Sen, learned Advocate, is appearing for the petitioner.

The petitioner has filed the present application for grant of Letters of Administration to the estate of the deceased namely, Zubeida Bai Hatim Bhai, wife of late Hatim Bhai Mulla Gulam Hussain alias Hatim Bhai.

Counsel for the petitioner said that the deceased died on 27th March, 2004 leaving behind one son and two daughters. Counsel for the petitioner further submits that the husband of the deceased died on 4th February, 2013.

The petitioner being the son of the deceased has applied for grant of Letters of Administration. Out of two daughters, one daughter has given consent and one daughter has neither given consent, nor has come forward for raising any objection for grant of Letters of Administration.

Accordingly, the Department has submitted no caveat certificate stating that no caveat has been lodged by opposing the grant of Letters of Administration to the petitioner.

Counsel for the petitioner has also drawn attention of this Court to the FARAIZNAMA dated 21st August, 2024 wherein the petitioner has described with regard to the entitlement of the share of the legal heirs over the estate left behind by the deceased. As per the FARAIZNAMA, the petitioner being the son is entitled to get 50%, the two daughters are entitled to get 25% each share over the estate of the deceased.

Heard learned counsel for the petitioner. Perused the application, affidavit of consent of one of the daughters namely, Batul Inayat Dhariwala, no caveat certificate issued by the Department dated 7th November, 2024 wherein it is mentioned that no caveat has been lodged.

It is found from the record that citations have been issued but the other daughter namely, Tasnim Zakir has neither come forward for giving any consent, nor has raised any objection by filing any caveat or affidavit in support of the caveat.

Considering the above, this Court finds that the petitioner is entitled to grant of Letters of Administration of the estate of the deceased as appearing in the affidavit of assets.

The Department is directed to issue Letters of Administration to the petitioner with respect of the property left behind by the deceased subject to furnishing bond of Rs.2,50,000/- with one surety on completion of all formalities.

Accordingly, PLA No. 496 of 2023 is disposed of.

(KRISHNA RAO, J.)