

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Testamentary and Intestate Jurisdiction
ORIGINAL SIDE

PLA/497/2023

IN THE GOODS OF :
HATIM BHAI MULLA GULAM HUSSAIN, 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 of the estate of the deceased Hatim Bhai Mulla Gulam Hussain, son of Late Mulla Gulam Hussain .

Counsel for the petitioner submits that the petitioner is governed under the Mohamedan Law.

Counsel for the petitioner submits that the deceased died on 4th February, 2013, leaving behind his one son, the petitioner herein and two daughter, namely, Tasnim Zakir and Batul Inayat Dhariwala. Counsel for the petitioner submitted that the wife of the deceased died on 27th March, 2004. The petitioner submits that one of the daughter, namely, Batul Inayat Dhariwala has given her consent for grant of Letters of Administration to the estate of the deceased in favor of the petitioner, but, the another daughter has neither come forward for giving consent nor has filed any caveat or affidavit in support of caveat. Accordingly, the citations were issued but in spite of issuance of the citations, the daughter, namely, Tasnim Zakir has not come forward for giving any consent or raise any objection. The Department

has submitted no caveat certificate dated 7th November, 2024 stating that no caveat has been entered against the grant of Letters of Administration.

The petitioner has submitted FARAIZNAMA stating that the petitioner is entitled to get 50 per cent and the other two sisters are entitled to get 50 per cent of share i.e. 25% each of the estate of the deceased left behind by the deceased.

Counsel for the petitioner submitted that as none as come forward for raise any objection for grant of Letters of Administration to the estate of the deceased to the petitioner and prayed for grant of Letters of Administration.

Heard the learned Counsel for the petitioner. Perused the death certificate of the deceased, the death certificate of the wife of the deceased, Affidavit of Consent of the daughter, namely, Batul Inayat Dhariwala, no caveat certificate issued by the Department dated 7th November, 2024 and the FARAIZNAMA submitted by the petitioner disclosing the entitlement of the shares of the legal heirs of the deceased over the estate of the deceased left behind by the deceased.

This Court finds that the petitioner is entitled to get the Letters of Administration to the estate of the deceased.

The Department is directed to grant of Letters of Administration to the petitioner subject to furnishing bond of Rs.11 Lakh with two sureties on compliance of all formalities.

PLA/497/2023 is disposed of.

(KRISHNA RAO, J.)