

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION

TESTAMENTARY PETITION NO.1933 OF 2024

Barun Kumar Bhattacharya	.. Deceased
Tinku Barun Kumar Bhattacharya	.. Petitioner
Versus	
Tandra Bhattacharya	Respondent

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• Mr. Somnath Iyer, Advocate for Petitioner.

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CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 14, 2025

P.C.:

- 1.** Heard Mr. Iyer, learned Advocate for Petitioner.
- 2.** Petition is filed for seeking issuance of Grant by wife of the deceased. Two other minor daughters of deceased are also parties to the herself. Name of deceased is Barun Kumar Bhattacharya and he was working in the Indian Railways. He expired on 07.02.2021.
- 3.** Railway Administration was approached by the Petitioner and she was informed that in the record of the Railways, there was a name of an individual called Tandra Bhattacharya in the Pass/Priviledged Ticket Order (for short '**PTO**') record shown as nominee. The address of the said Tandra Bhattacharya was provided by Railways to the Petitioner. Petitioner while filing Petition in all fairness impleaded the said individual Tandra Bhattacharya and showed her address provided by Railways. She attempted to serve the said Tandra

Bhattacharya but the packet was returned back undelivered. The two daughters Tanushree and Priya have filed their consent affidavits.

4. In so far as said Tandra Bhattacharya is concerned, Mr. Iyer informs the Court that pursuant to the above she has also been served by substituted service and appropriate Affidavit of service dated 13.03.2025 has been filed. Having taken appropriate steps to serve the concerned whose identity and whereabouts are completely unknown to the Petitioner, Petitioner cannot be found at fault whatsoever.

5. Petition is for issuance of Grant. Petitioner has taken all the necessary steps. Averments in the Petition are to the effect that the said individual Tandra Bhattacharya is unknown to the Petitioner. Petitioner has duly complied with the effect of service on the said Tandra Bhattacharya.

6. Copy of letter is appended at Exhibit-C. By virtue of same, Tandra Bhattacharya having been included in the pass and PTO declaration, the Petitioner had been advised to obtain the Grant by the Railways.

7. Having taken the above steps, I see no impediment as to why the Grant should not be allowed since the said Tandra Bhattacharya has not presented herself. Petitioner expired on 07.02.2021. No steps have been taken by the said unknown person called Tandra Bhattacharya whatsoever in securing any legacy to the estate of the

deceased, if at all.

8. In view of the above, the declaration in the pass and PTO record of Cental Railways wherein the Petitioner was working cannot come in the way of Petitioner in seeking the Grant.

9. Hence, I am inclined to allow the Petition in terms of prayer clause (a) which reads thus:-

“a. That the Hon’ble Court be pleased to grant a Succession Certificate to the Petitioner in respect of the debt set forth in Schedule I hereto, with the power to collect the said debts and to receive interest due thereto.”

10. Department is directed to issue Grant as directed above within a period of 3 weeks from today positively.

11. Testamentary Petition is allowed and disposed subject to compliance of office objections, if any, forthwith which shall be allowed by the Department.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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