

06.02.2026
SL No.12
Court No.6
(gc)

CO 163 of 2026

**Niranjana Khanra
Vs.
Sudipta Das & Anr.**

Mr. Tanmoy Mukherjee,
Mr. Sounak Bhattacharya,
Mr. Sumitava Chakraborty,
Ms. Bratati Pramanick,
Mr. Sounak Mondal

.....for the Petitioner.

Mr. Sanjay Mukherjee,
Ms. Aditi Kumar,
Mr. Priyadip Paul

...for the Opposite Parties.

1. The petitioner is aggrieved by an order dated January 6, 2026, passed by the learned Civil Judge (Senior Division), 10th Court at Alipore in Ejectment Suit No.47 of 2024. According to the petitioner, the subject-matter of the suit is the subject-matter of a Will, in which the petitioner is a beneficiary. The petitioner applied for grant of letters of administration in respect of the said suit property. It is contended that in the suit for eviction, the genuineness of the Will may be a substantial issue.
2. The learned Court was of the view that the matter was not directly and substantially in issue and the reliefs claimed in the suit were different from those claimed in the application for grant of letters of administration. The proceeding for grant of letters of administration will

not decide the title of the petitioner and, as such, the suit for eviction will continue irrespective of the result of the application for grant of letters of administration.

3. Mr. Tanmoy Mukherjee, learned Advocate appearing for the petitioner submits that this is a suit for eviction of the petitioner, filed by the alleged co-owners of the property. The petitioner contends that the property vested in the petitioner when the application for grant of letters of administration was filed. As no executor was appointed by the testator, the beneficiary is entitled to grant of letters of administration and in that event, the petitioner will be the only person entitled to represent the estate of the erstwhile owner.
4. Mr. Sanjay Mukherjee, learned Advocate appearing on behalf of the opposite parties submits that the petitioner had all along acted in a *mala fide* manner and had failed to mention the existence of the Will. The petitioner also did not mention anything about the application for grant of letters of administration, although, various orders were passed in civil revisions and also by the Writ Court.
5. I have considered the rival contentions of the parties. Although, an order of grant of letters of administration is not a declaration of title, but it is a declaration on the genuineness of the Will. If the letters of administration is granted, in that event, only the petitioner can

represent the estate of the testator. Under such circumstances, the right of the opposite parties to maintain a suit for eviction against the petitioner gets clouded.

6. Under such circumstances, this Court directs that the eviction suit may proceed, but the decree shall not be passed for a period of six months from date. The proceeding for the letters of administration shall be disposed of by the concerned District delegate within six months. All points are left open to be agitated at the appropriate stage. This Court has not entered into the merits.
7. It is made clear that if the application for grant of letters of administration is not disposed of within the time-frame mentioned hereinabove, the opposite party shall be at liberty to take steps before learned civil court.
8. Accordingly, the revisional application is disposed of.
9. There shall be no order as to costs.
10. Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)