

Item 06
03.07.2026
Court. No. 12
Cp

MAT/74/2026
IA NO: CAN/1/2026, CAN/2/2026

KUNAL MUKHERJEE
VS
SMRITILEKHA MUKHERJEE AND ORS

Mr. Partha Pratim Roy
Mr. Surajit Basu
Mr. Santanu Sett

... for the Appellant.

Mr. Sougata Mitra
Mr. Nikhil Kr. Gupta
Ms. Soma Chakraborty
Mr. Subhadeep Maitra

... for the Purulia Municipality.

Mr. Soumyajit Das Mahapatra
Mr. S. Sarkar
Mr. Asit Sohail Tarafdar

....for the respondent no.1.

1. CAN 1 of 2026 is an application for condonation of delay of 14 days in filing the appeal.
2. Considering the averments in paragraphs 17 to 19 of the said application, we are satisfied that the delay has been explained properly. Accordingly, the delay is condoned.
3. CAN 1 of 2026 is allowed.
4. Let the appeal be regularized.
5. The appeal arises out of a judgment and order dated December 4, 2025, passed in WPA 20971 of 2025. By the order impugned, the learned Judge directed the Chairman, Purulia Municipality to issue a death certificate, recording the death of Gour Baran

Mukherjee. The certificate was directed to be issued to Smritilekha Mukherjee.

6. The appellant was added as a party to the proceeding by His Lordship, upon recording that the appellant claimed to be the son of the pre-deceased wife of the late Gour Baran Mukherjee.
7. The respondent no. 1, claiming to be the wife of the deceased, had approached the municipality for issuance of a death certificate. As the municipality did not take steps, the writ petition was filed. The respondent no. 1 produced the certificate issued by a house doctor and also the receipt issued by the crematorium.
8. The appellant denies the claim of the respondent no. 1, to be the legally married wife of the deceased. According to the appellant, the alleged marriage between the deceased and Smritilekha Mukherjee was void, as the first wife of the deceased was alive when the alleged marriage was solemnized between the deceased and Smritilekha Mukherjee in 1998, although, a suit for divorce was pending.
9. The appellant is aggrieved by the observations of His Lordship at paragraphs 8 and 9 of the order impugned. It is submitted that, the writ court had, prima facie, decided the status of Smritilekha Mukherjee to be the legally married wife of the deceased, although a civil suit is pending. His Lordship held that, Smritilekha Mukherjee was

entitled to the death certificate as she, prima facie, proved her status as the wife of the deceased.

10. Learned advocate for the respondent no. 1 submits that His Lordship had taken care of the implication of a death certificate and held that issuance of the death certificate would not create any right of inheritance. It is further submitted that, His Lordship had gone by the facts on record and had held that the deceased and the respondent no. 1 were residing together at the time of the death. Under such circumstances, the appellant could not have any grievance with regard to the order impugned.

11. A supplementary affidavit has been filed by the appellant, which indicates that the municipality has incorporated the name of the respondent no. 1 as the spouse. According to Mr. Roy, incorporation of the name of the respondent no. 1 as the spouse, had given rise to a series of complications, which include disbursal of a part of the retiral benefit to the respondent no. 1, who was not the legally married wife of the deceased.

12. Having considered the rival contentions of the parties, and having perused the order impugned, we are of the view that the grievance of the appellant will be redressed, if paragraphs 8 and 9 of the order impugned are deleted. We also hold that the death certificate is a proof of death of Gour Baran Mukherjee. It is not a document which can be used

as a declaration of status of the respondent no. 1. The mention of the respondent no. 1 as the spouse in the death certificate, cannot override the law of the land. The status of the respondent no. 1 will be finally decided by the civil court and the rights and liabilities of the parties with regard to the retiral benefits and other assets of the deceased, shall abide by the decision of the civil court. The parties are at liberty to agitate all points in the civil suit. The order impugned shall not influence the civil court. The civil court will proceed independently.

13. Accordingly, the appeal and the connected application are disposed of.

14. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)

(Smita Das De, J.)