IN THE HIGH COURT OF JHARKHAND, RANCHI
M.A. No. 251 of 2023

Pradip Kumar Sanyal, aged about 52 years, son of Late Prabhat Kumar Sanyal @ Prabhat Chandra Sanyal and Late Chinu Sanyal at present resident of K2/20 Cross Road No.3, behind Telco Nursery, PO and PS – Telco, Town-Jamshedpur, District – East Singhbhum, permanent resident of H. No.33, Kamini Road, Pramatha Nagar, Parsudih, PO – Tatanagar, PS – Parsudih, Town-Jamshedpur, District – East Singhbhum **.... Appellant**

-- Versus --

1. Madhuri Bhattacharjee, wife of Anand Mohan Bhattacharjee, daughter of Late Prabhat Kumar Sanyal @ Prabhat Chandra Sanyal and Late Chinu Sanyal, resident of H. No.4, Kamini Road, Pramatha Nagar, Parsudih, PO – Tatanagar, PS – Parsudih, Town – Jamshedpur, District – East Singhbhum
2. General Public of locality at Kamini Road, Pramatha Nagar, Parsudih, PO – Tatanagar, PS – Parsudih, Town – Jamshedpur, District – East Singhbhum **.... Respondents**

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Appellant :- Mr. Prabhash Kumar, Advocate
:- Mr. Manish Sharma, Advocate
For Respondent No.1 :- Mrs. Vani Kumari, Advocate

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*06/**29.09.2026*** Heard Mr. Prabhash Kumar, learned counsel appearing for the appellant and Mrs. Vani Kumari, learned counsel appearing for the respondent No.1.

2. This appeal has been preferred under Section 299 of Indian Succession Act, 1925 challenging the judgment dated 06.06.2023 passed in Original Suit No.15 of 2019 by learned Principal District Judge, East Singhbhum, Jamshedpur whereby the suit has been allowed on contest but without any cost.

3. Notices upon the General Public, who are opposite party No.2 have already been effected and paper publication has been brought on record by way of supplementary affidavit.

4. Mr. Prabhash Kumar, learned counsel appearing for the appellant submits that the deceased Prabhat Kumar Sanyal @ Prabhat Chandra Sanyal was the father of appellant and respondent No.1 who died on 21.01.2018 at House No.33, Kamini Road, Pramath Nagar, Parsudih, PO – Tatanagar, PS – Parsudih, Town – Jamshedpur, District – East Singhbhum and that was his ordinary place of residence. He further submits that mother of appellant and respondent No.1 namely Smt. Chinu Sanyal also died on 25.02.2018 in the same house. He then submits that respondent No.1, who is sister of the appellant instituted the Letter of Administration Case No.13 of 2018 in the Court of learned Principal District Judge, East Singhbhum, Jamshedpur under Section 278 of Indian Succession Act for grant of letter of administration of the properties mentioned in the schedule of the plaint being Locker No.141 at Bank of India, Jugsalai Branch, Jamshedpur. He next submits that at the time of death deceased's parents of the appellant and respondent No.1 were the absolute holder of the locker in question. He also submits that respondent No.1 has instituted the said suit contending that being the daughter and property lying in the locker her share is also there. He next submits that in the said letter of administration case the appellant herein has appeared and filed the objection. He also submits that the appellant herein has taken the stand before the learned Court that the plaintiff has suppressed two facts and she is a married woman and living with her

husband and in laws house and has no locus standi to bring the said suit. He next submits that respondent No.1 has also filed another Succession Certificate Case No.39 of 2018 wherein she has not disclosed about the alleged locker which is the subject matter of the present appeal. He next submits that the appellant being the only son was the nominee of the said locker and the learned Court has not appreciated the evidences of Madhuri Bhattacharjee in right perspective, who is respondent No.1 as well as Branch Manager of the said bank properly. He next submits that the learned Court has given wrong finding and held that the appellant and respondent No.1 both are first class legal heirs/successors and has directed to distribute the articles kept in the locker proportionally between the appellant and respondent No.1 which is not correct. He next submits that contention of the appellant herein with regard to certain ornaments of his wife has not been taken care of by the learned Court. On these grounds, he submits that impugned order may kindly be set aside.

5. Learned counsel appearing for the respondent No.1 opposes the prayer and submits that documents relating to the nominee has not been exhibited before the learned trial court. She further submits that respondent No.1 was not knowing what has been kept by the parents in the said locker and in view of that she has stated in the evidence that she is not knowing what has been kept in the said locker. She then submits that the Branch Manager has also stated in the same way, however, he has stated that for how many times locker has been operated that he can say after looking to the bank register maintained for that purpose. In the aforesaid background, she submits that the learned

Court has rightly held that both are first class legal heirs/successors and the articles of the locker is required to be proportionally divided between the appellant and respondent No.1. On these grounds, she submits that this appeal may kindly be dismissed.

6. In view of the above submission of learned counsel appearing for the parties and going through the materials on record, the Court finds that it is an admitted position that the appellant and respondent No.1 are brother and sister respectively and the deceased were their parents.

7. Locker No.141 was opened by the deceased at Bank of India, Jugsalai Branch, Jamshedpur and father and mother of the appellant died on 21.01.2018 and 25.02.2018 respectively.

8. Respondent No.1 has stated in her evidence before the learned Court that her parent's locker is there bearing Locker No.141 at Bank of India, Jugsalai Branch, Jamshedpur. She has also stated that in the locker what has been kept and by whom she is not knowing and she has also stated that she has instituted Pre-litigation Case No.248 of 2018 where this appellant has appeared and has not provided the details of account and the locker as well as denied to give any share to her in the assets of parents. The Branch Manager of the said bank has also been examined and has stated that what has been kept in the locker he was not knowing. He has denied about the ornaments description as put in the cross-examination of the appellant herein.

9. In the aforesaid background, the learned Court has found that the appellant and respondent No.1 are legal class one heirs of the deceased and they are jointly entitled for property kept in the locker and in view of that has allowed the same directing that the appellant and

respondent No.1 respectively are entitled for equal share of the property kept in the locker and has further directed to open the said locker at Bank of India, Jugsalai Branch, Jamshedpur in presence of both the parties and their respective lawyers and also in presence of government valuer to assess value of the articles kept in the locker and give a full inventory to learned court along with its value for the purpose of court fee and after depositing of due court fee the Letter of Administration Certificate shall be issued in the name of appellant and respondent No.1 after paying the court fee by the parties equally.

10. In view of the aforesaid judgment, none of the parties are looser and at the same time both are winner. There is no illegality in the impugned order wherein the finding is there that both are first class legal heirs/successors of the deceased and admittedly they are brother and sister respectively, as such this appeal is hereby disposed of.

(Sanjay Kumar Dwivedi, J.)

Dated 29.09.2026
Sangam/