

Appellant Vs. Respondent

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Court : Kolkata

Decided On : Aug-05-2013

Judge : Nadira Patherya

Appellant : Appellant

Respondent : Respondent

Judgement :

ORDER

SHEET IN THE HIGH COURT AT CALCUTTA Testamentary & Intestate Jurisdiction GA No.2216 of 2013 PLA No.255 of 2010 IN THE GOODS OF: SMT.

SWAPNA CHAKRABORTY ALIAS S.

CHAKRABORTY, DECEASED GA No.1863 of 2013 PLA No.255 of 2010 IN THE GOODS OF: SMT.

SWAPNA CHAKRABORTY ALIAS S.

CHAKRABORTY, DECEASED.

AND IN THE MATTER OF: SWAPAN BANERJEE .

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Petitioner BEFORE: The Hon'ble JUSTICE PATHERYA Date :

5. h August, 2013.

Mr.Dhruba Ghosh, Mr.A.Mitra, Mr.Tapan Kr.

Sen, Mr.S.N.

Dutta for the petitioneRs.Mr.Pradip Kr.

Dutta,Sr.Advocate, Mr.Siraj Goopta for respondents.

Mr.Tapas Banerjee, Mr.A.N.

Naskar, Advocates appear.

Mr.Surajit Chakraborty for Swapan Banerjee.

The Court : A letter has been produced by the applicants in G.A.2216 of 2013 wherefrom it appears that one Swapan Banerjee who supposedly was an erstwhile partner and employee of M/s.J.Engineering has stated that he has no claim against either the estate of Swapna Chakraborty or the firm J.

Engineering.

The said letter was handed over to the Advocate of Sr.Swapan Banerjee who on instruction states that his client has not written such letter.

Accordingly, Sr.Swapan Banerjee be present in Court on 7th August, 2013 at 2 p.m.One of the beneficiaries, namely, Smt.

Shefali Sanyal is interested in selling her share of the jewellery to which sentiments are attached by the applicants.

Let an inventory be made of the jewellery lying in the bank locker with State Bank of Hyderabad, Lansdown Road Branch, Calcutta and the same be valued by a government approved Valuer.

Let the inventory be made in the presence of the Bank Manager and in presence of all parties or their representatives.

The cost of the Valuer be paid out of the funds lying with the executor to the estate of the testatrix.

In the event Smt.

Shefali Sanyal is desirous of selling her share of the jewellery, let an offer be made to the remaining three legatees by her.

Instructions be also taken in this regard and intimated to Court on the next date of hearing.

From G.A.1863 of 2013 filed it appears that a sum of Rs.11,31,211.90p has been claimed by Mr.Swapan Banerjee out of the estate of Swapna Chakraborty.

Accordingly, let the said sum mentioned above be kept apart and the balance sum be paid to the legatees in administration of the estate of the testatrix within a week from the date of receipt of this order.

All costs, charges and expenses be deducted from the sums lying with the executor.

Matter to appear in the list on 7th August, 2013.

Bank Manager, State Bank of Hyderabad and all parties concerned are to act on a photostat signed copy of this order on the usual undertakings.

(PATHERYA, J.) pa

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