

Manglesh Jalan Vs. Mukesh Jalan and ors.

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SooperKanoon Citation : sooperkanoon.com/1132823

Court : Kolkata

Decided On : Mar-10-2014

Judge : I. P. Mukerji

Appellant : Manglesh Jalan

Respondent : Mukesh Jalan and ors.

Judgement :

ORDER

SHEET GA NO.3530 OF 2011 WITH CS No.297 OF 2011 IN THE HIGH COURT AT CALCUTTA Ordinary Original Civil Jurisdiction ORIGINAL SIDE MANGLESH JALAN Versus MUKESH JALAN & ORS. BEFORE: The Hon'ble JUSTICE I.P.MUKERJ.Date : 10th March, 2014.

Mr.J.Saha, Mr.R.Ghosh, Mr.A.Mukherjee, Ms.S.Mukherjeeappear.

Mr.S.Sen, Ms.S.Chakrabortyappear.

The Court : Mr.Jishnu Saha, learned advocate shows me a balance-sheet of the deceased Mahabir Prasad Jalan, dated 31st March, 2009, said to be accompanying his income tax return.

It shows that he had significant assets of Rs.1,20,33,139.67.

The size of the assets grew as at 31st March, 2010.

The balance-sheet of that date, for income tax purposes showed assets as Rs.1,25,39,214.70.

The Will of the deceased dated 31st September, 2008, appears to be limited to the interest of the testator in Subarnarekha Agricultural Estate.

The executor named therein, Sidharth Dudhoria has made an application for grant of probate of this Will.

Although he has shown the gross value of the estate of the testator as Rs.1,59,98,347.00 in the application for grant of probate, in the affidavit of assets the value is shown as nil.

The question remains that if the Will covered only a part of the beneficial interest of the testator, what is to happen to the rest?.

Would succession thereof be intestate ?.

The plaintiff has filed a suit for partition.

Mr.Saha submits that the entire assets shown in the above balance-sheets have been misappropriated by the defendants, which is seriously opposed by Mr.Sen appearing for all the defendants except the second defendant.

I think the ends of justice would be sub-served if the said defendants represented by Mr.Sen are directed to file a supplementary affidavit explaining how much of these assets are retained and in what manner, with all details and accompanying documents like term deposit receipts, pass books, statement of accounts, certificates, receipts etc.I order accordingly.

Such supplementary affidavit should be filed by 31st March, 2014.

List this application on 7th April, 2014.

The plaintiff may file a short rejoinder in the mean time.

Certified photocopy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

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Pkd.

A.R.[C.R.P.

MUKERJI, J.)

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