

**Appellant Vs. Respondent**

**Appellant Vs. Respondent**

**SooperKanoon Citation :** [sooperkanoon.com/1162136](http://sooperkanoon.com/1162136)

**Court :** Kolkata

**Decided On :** Aug-18-2014

**Judge :** Soumen Sen

**Appellant :** Appellant

**Respondent :** Respondent

**Judgement :**

ORDER

SHEET G.A.No.3224 of 2013 With P.L.A.No.272 of 2013 IN THE HIGH COURT AT CALCUTTA ORDINARY ORIGINAL CIVIL JURISDICTION ORIGINAL SIDE IN THE GOODS OF: BAIJ NATH AGARWAL @ AGARWALA (DECEASED) BEFORE: The Hon'ble JUSTICE SOUMEN SEN Date: 18th August, 2014.

Appearance: Mr.Aniruddha Mitra.

Adv.Mr.Saumabho Ghose, Adv.Mr.G.S.Gupta, Adv. for the petitioners Mr.S.Sen, Adv.Mr.A.K.Upadhyay, Adv. for the respondents The Court: The executrix filed this application for certain directions; one of which pertains to payment of some amount to the widow of the said deceased.

Excepting the son all the other legal heirs of the said deceased had consented to the grant of probate.

The son, although, had filed a caveat but did not file any affidavit in support of the caveat.

Considering the averments made in the petition, this Court is of the view that, the widow should be paid a sum of Rs.10,000/- per month by the Dhanalakshmi Bank Limited, Salt Lake, B-33, Sector-I from the saving bank account maintained with the said bank till the disposal of this application or until further orders whichever is earlier.

It cannot be disputed that even if the objection to the grant of Will succeeds the widow would be entitled to her 1/4th share in the property.

The executrix shall realise the rents from the other tenants and deposit the amount with the Dhanalakshmi Bank Limited, Salt Lake Branch in a separate account to be opened in the name of the executrix.

The executrix shall intimate the parties after opening the account and furnish details of the amounts realised from the tenants and deposited with the said Bank.

Out of the funds so realised and deposited, the executrix shall make payment of electricity and maintenance charges and municipal taxes.

The executrix shall file monthly statement of accounts in this proceeding until further order.

Affidavit-in-opposition shall be filed within two weeks from date; reply, if any, shall be filed within one week thereafter.

The matter will appear four weeks hence.

Certified website copies of this order, if applied for, be urgently supplied to the parties upon compliance with all the requisite formalities.

(SOUMEN SEN, J.) sg2

**SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com**