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In Re: Monohur Mookerjee

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SooperKanoon Citation : sooperkanoon.com/853462

Court : Kolkata

Decided On : May-17-1880

Reported in : (1880)ILR5Cal756

Judge : Jackson and ;Tottenham, JJ.

Appellant : In Re: Monohur Mookerjee

Judgement :

Jackson, J.

1. This reference was not properly made by the District Judge. It is not a case in which Section 617 authorised a reference to the High Court, as the Judge's order, if made, would not be final; but the learned Advocate-General has asked the Court to take his case up as a Court of concurrent jurisdiction, and, under the circumstances, we have consented to do so. The point appears to us clear enough. The clauses of the will which have been read to us indicate, without doubt, that Monohur Mookerjee is a person--to use the words of Wilde, J., In the goods of Baylis (L.R., 1 P. & M., 21)--who was authorised 'to receive and pay the debts of the testator and to get in all the personal estate,' and he has been given full powers for that purpose to collect and receive all debts and manage the estate for the period of nine years, after the expiry of which he is to distribute it to the various legatees in the manner directed. We think he is entitled to probate.

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