



04.02.22    09.02.22    09.02.22    10.02.22    10.02.22

ERX-361/22

In the court of the Ld. 5th Addl. District Judge, at Alipore.

O. S. - 7A/84

Jonaki Chatterjee

- vs. -

Anima Mukherjee & Ors.



4

Schedule of cost of the copy	
Application.....	5.02
Folio and MC.....	64.00
Authentication.....	64.00
Expenditure Fees.....	64.00
Searching Fees.....	
Tracing Fees.....	60.00
Other Fees if any.....	
	<u>193.02</u>



th  
A. D. J Alipore

ED-1301

D. R. R

Smt. Jonaki Chatterjee  
vs  
Anima Mukherjee and others  
O.S. No. 71/84

(M)

C.R. = 7  
S/N = 3/22  
D.R.R  
ERO 361 dt 04/2/22

Order No... 76... dt. 14.3.92

The record is put up today for order.

O.S. = 6  
Dec. = 2  
Plaint = 8  
Petition dt = 8  
22/6/1988  
2 sheets

This is an application u/s. 247 of the Indian Succession Act filed by ~~the~~ Jonaki Chatterjee, Monoja Banerjee and Anima Mukherjee for appointment of Administrator Pendenti-lite.

It is stated that Jonaki Chatterjee ~~has~~ the consent of two other petitioners being one of the Executrixes named and appointed in the Will applied for grant of Probate of the Will of Ashok Jiban Mukherjee since deceased in respect of the properties left by him and this court has already passed a judgement and order granting probate of the said Will. It is stated that although judgement and order of grant of probate was passed by this court, probate certificate is yet to be issued in favour of the applicants as the proceeding upon the valuation of the property for assessing probate duty by the Collector has not been completed. Subsequently the applicants also sought for amendment as to the Affidavit of assets as made in the initial stage for incorporating the particulars of some of movable properties as well as liabilities of the Testator as are likely to come to the petitioners and as such the grant of certificate as provided u/s. 290 of the Indian Succession Act is still pending. It is stated that the Testator of the Will Ashok Jiban Mukherjee during his life time by a registered periodical Lease leased out a property known as 29A, Ramesh Mitra Road, Calcutta- 25 to Bharat Petroleum Corporation Ltd. Further Jonaki Chatterjee, executrix to the Estate of Late Ashok Jiban Mukherjee as also filed a Title Suit No. 5 of 1984 in the Court of the 1st Munsif at Alipore against Bharat Petroleum Corporation Ltd. on the ground of forfeiture of lease for violation of the terms and also on the ground of efflux of time as limited by the said lease. The said suit is still pending.

contd..../



188888 C.P.C.

tion of the property as would be available under order 40 rule  
Estate as well as giving full power for protection and presenta-  
get decree including its executions for the protection of the  
Govt. office or offices for empowering them to file suits to  
obligations arising out of other statutory provision before the  
of the Estate and for compliance of other statutory  
aforsaid probate proceeding having full power for general adminis-  
of section 247 Indian Succession Act during the pendency of the  
respect of the Estate of the deceased-Testator under the provision  
required to be appointed as the Administrator pendente-lite in  
probate certificate has not been issued the applicants are urgently  
pending before the office of the collector, 24 Parganas and the  
difficulties. As the ascertainment of valuation matter is  
applicants being the executrixes are <sup>expressing</sup> various technical  
of probate from the court on due stamp paper for which the  
be effectually done or performed in absence of the certificate  
complete ~~xxxxxx~~ and proper relief in respect of the Estate cannot  
istration and initiation of suits and proceedings ~~and~~ to get  
Revenue Department. It is stated that the above matters of admin-  
of administration of the Estate, such as Municipal Department,  
have to do or perform certain other official works in the matter  
authority of the said School. Apart from this, the Executrixes  
same and as such legal action to be taken against the School  
of the receipt of notice, the said tenant did not comply with the  
vacant possession, in default institution of suits. But in spite  
applicants issued notice to quit determining tenancy asking  
possession to one Mr. D'Cruxe. Against such illegal Act, the  
floor of the premises No. 2/10, Townsend Road by transferring  
withholding occupation of two rooms and bath room in the third  
surrendering major portion of the tenanted property is illegally  
that apart, one School namely, Julian Day School after



The plaintiff No. 3 Anima Mukherjee has vehemently opposed the above application for appointment of Administrator pendente-lite. This objector Anima Mukherjee has categorically denied <sup>and disputes</sup> the averments made in the aforesaid application for appointment of Administrator Pendente-lite. This objector further states that the averments made in the aforesaid application is out and out a false story coupled with distortion of facts of materials on record and blended with inexcusable insinuation to this objector and her learned advocate which amounts to act of defamation on the part of the plaintiff no. 2. According to the objector, the plaintiff no. 3 Anima Mukherjee, the said application is wholly untrue and absolutely false. This objector Anima Mukherjee categorically denies that she together with other two applicants ever made the said aforesaid application dt. 5.5.90 for appointment of Administrator ~~or~~ Pendente-lite. She categorically denies that she had ever executed or signed any such application for appointment of Administrator pendente-lite. According to the objector, Anima Mukherjee, such appointment is not at all necessary as per the provision of section 234 of the Indian Succession Act and therefore question of Administrator pendente-lite cannot or does not arise at all. According to this objector Anima Mukherjee, the instant application for appointment of Administrator pendente-lite is purposive, unwarranted and uncalled for having got no semblance with the evidence and materials on record which according to this objection, have been twisted and traversed by unconsonable story so as to vindicate the innate passion of the ~~objector~~ applicant for distortion <sup>of</sup> actual state of affairs connected with the suit ~~xxxx~~ or proceedings. This objector, therefore, prays for rejecting the said application for appointment for administrator pendente-lite.

(5)





It has been urged on behalf of the objector Anima Kulkarni that Anima Kulkarni is the sole beneficiary, apart from her being appointed as executrix along with her daughters, namely, Jonaki Chatterjee and Monaja Banerjee. It has also been urged on behalf of this objector that there is a legatee of the will in question who is none but the son of the testator, namely Santanu. Section 234 of the Indian Succession Act lays down that when there is no executor and no residuary legatee or representative of a residuary legatee, or he declines or is incapable to act, or cannot be found, the person or persons who would be entitled to the administration of the estate of the deceased if he had died intestate, or any other legatee having a beneficial interest, or a creditor, may be admitted to prove the will and letters of administration may be granted to him or them accordingly. In the present case, there is no such circumstance for which letters of administration require to be granted. Further, consent of the executrix is to be obtained for grant of letters of administration. But admittedly, the objector Anima Kulkarni has no consent for such appointment of administrator. Moreover, it is not disclosed what is the necessity for appointing such administrator. On the other hand, prayer for probate of the will in question was made by all the executrixes and the probate is also granted by this court. So, the present applicants cannot be appointed as administrator pendente-litae as they are solely connected with the will. The parties unconnected with the will are proper persons for appointment of administrator pendente-litae. They should be impartial persons as good as receiver. That being the position and considering the aforesaid facts and circumstances, I am of opinion and hold that the instant petition u/s. 247/234 of the Indian Succession Act, filed by the applicants aforesaid cannot be allowed. It is,



that the application u/s. 247 of the Indian  
Succession Act filed by the applicants praying  
for appointment of Administrator pendente-litae  
be rejected in the circumstances without any  
cost.

ORDERED

therefore,

Dictated & corrected by me.

(Adl. District Judge)  
5th Court, Alipore

(Adl. District Judge)  
5th Court, Alipore

77  
20.6.92

The record is put up by Parag  
Gopal Rao. Proceeds of the Alipore  
to deposit Rs 10,000/- as per  
duly be put up on 6.7.92  
in favour of the Parag  
to be made for the members

78  
6.7.92

Executor applicant files  
the account of copy to the  
other side. Applicants no-1 & 2  
files a petn praying for

(10)







~~Ans~~  
Ans

dictated by me

in the meantime.  
 mentioned therein. Objections, if any,  
 granting probate in the joint name as  
 To-date for hearing the pdm dt-11.8.92 for  
 To 16.11.92 for filing stamp papers (v.o.p).  
 papers of Rs-10,000/- is allowed.  
 for time to file the required stamp-  
 the reason stated therein. Hd. Prays -  
 for time to file the required stamp papers of Rs-10,000/- for  
 Smt. Anima Mukherjee files a pdm praying  
 Plaintiff file her claims, petitioners

81  
4.11.92

~~Ans~~  
Ans

dictated by me

To 4-11-92 for hearing.  
 allowed as no objection raised.  
 objection raised. Hd. Prays in  
 therein. The pdm is taken and no  
 adjournment on the ground stated  
 Plaintiff files two pdms praying for  
 petitioners file her claims. The

80  
31-8-92

G.S. 74/84

(10)





O.S. - 7A/84

Two Stamps of Rs-5000/- each

Totaling Rs-10000/- (Ten thousand) is

filed with final order and is kept

with the record. Copy of the

will is not filed for verification.

Heard the plea dt-11.8.92 in respect

of granting probate in the joint

names as mentioned in the plea.

considered.

the probate is to be granted

in favour of all the plaintiffs.

copy of the will is to be filed

by 25/11/92

82  
16.11.92

Mf

plaintiff files a pet. praying  
for time for being copy of the will  
for the reasons stated there in.

A Xerox copy of the will with final order

is filed. Considered. Xerox copy

is not acceptable in granting

probate. Petitioner to file copy of

the will. Put up after filing

copy of the will.

dictated by me  
Mf  
AAG

83  
25.11.92







87  
21.1.93

Two plffs - Executives nam

Executives challenge and Manoj Banerjee

files a verified petn praying for

recovery of grant of probate to them

instead of giving to snt Anima Mukherjee.

Copy received to the ld lawyer Siben Sen of

the Executives snt Anima Mukherjee.

They also files a statement of accounts

from 3.10.82 to 31.12.91 with finishti.

Considered. Keep the ~~or~~ statement

in the record. To 6.2.93 for hearing

the petn. objection, if any, in the meantime.

dictated by me

MJ

Asg

Report:- Shri M. Banerjee  
A. A. P. 10th Court, Alipore

Plaintiff Anima Mukherjee files a petn

praying for an adjournment on the ground stated

There-in copy not heard. considered. Prayers to follow

To 17-2-93 for hearing petn. dt 21-1-93,

dictated by me

Asg - charge

Executives Denari challenge & Manoj

Banerjee files reply. Executives Anima Mukherjee

files a petn praying for adjournment for the

reason stated therein. Hd. Prayers is allowed.

To 26.2.93 for hearing the petn dt-21.1.93.

objection, if any, in the meantime. dictated by me.

MJ

Asg

89  
17.2.93

88  
6/2/93



The probate of the will of deceased  
 Adhara Tibon Muckhonye has already been  
 granted in favour of three plaintiffs. Let the  
 probate be handed over to the plaintiff Animo  
 Muckhonye, one of the beneficiaries of the  
 will who has also deposited the required  
 court fees stamps. The prayer of the  
 other two plaintiffs for handing over the  
 probate to them is rejected (V.O.P.)  
 The ruling which is by ~~substantiated~~ by law  
 in the favour of plaintiff Animo Muckhonye  
 in the case of ~~the~~ ~~plaintiff~~ ~~Animo~~ ~~Muckhonye~~  
 is hereby affirmed.

CR is put up today for order.  
 Given through the petn dt-21.1.93 and  
 the record.

$$\frac{3.3.93}{91}$$

Kd lawyer of the Executive Director  
 Chellayya and Mowya Bommaya is present  
 and the 1st lawyer of the other executive  
 Animo Muckhonye is also present. The  
 petn dt-21.1.93 filed by the two executives  
 is taken up for hearing. Heard ~~by~~  
 both the 1st lawyers. To 3.3.93 for  
 order.

$$\frac{26.2.93}{90}$$

ED-1054 (es. 5/13)  
 5/10.07

J. Chellayya  
 A. Mowya  
 0.5-7A/84.  
 ED-1054  
 order no-91-1800

A. Mowya

Certified to be True Copy  
Head Comparing  
Copying Department, pure  
District Judge's Court,  
Accepted w/s 19 Act. 1 of 1800  
*Sealbot Dns 10/02/22*

Alipore  
Date: 10/02/22  
Comparing Clerk  
Dist. Judge's Court  
Sawm Saha  
Examined and found to be a true  
copy and correctly stamped.

Dist. Judge's Court, Copying Department  
10 FEB 2022  
Alipore, 24 Parg. (S)

Dist. Judge's Court, Copying Department  
Alipore, 24 Parg. (S)  
28-48/101 (M-1)  
South 24 Parganas  
Dist. Judge's Court, Copying Department



HIGH COURT FORM NO. (J) 25.  
DECREE IN ORIGINAL SUIT.

(Order 20, Rules 6 and 7, Code of Civil Procedure.)

DISTRICT 24 - Ponnore

In the 5th Original Suit  
Court of Appeal Dist. Ponnore  
7A OF 1984

Smt. Jevaki Chatterjee wife of Sri Ashoke Kumar  
Chatterjee of 4-D, Pann Nath Chokkhami lane,  
P.S. - Cossipore, Calcutta - 2.

Plaintiff(s).

**Versus**  
1 Smt. Anura Mukherjee, widow of Lt. Ashoke Jibon Mukherjee  
of 2/1c, Town Strand Road, P.S. Barampore, Calcutta-25.  
2 Smt. Shalika Ghoshal wife of Sri Ashoke Ghoshal of  
15 A, Shyamanda Road, P.S. Barampore, Calcutta-25.  
Defendant - No. 2 being dead is substituted by her heirs  
V.O. 6, dt. 11-11-84, \* \* \*

Defendant(s).

CLAIM FOR Probate in regard of the estate of  
Ashoke Jibon Mukherjee



2

it is ordered and decreed that the suit be and the same is  
 deemed exparte without cost. Let the proceeds of the  
 sale of the above property be granted  
 on the applicant's furnishing requisite stamp papers and  
 estate duty clearance certificate.

for the Defendant,

None

and of

for the Plaintiff,

Ms. Anam Ali, Advocate

This suit coming on this day for final disposal before Shri S. P. Sengupta,  
 Additional Judge, 5<sup>th</sup> Court, Alipore in the presence of



N.B.—The judge shall make an autograph note stating the date month and year on which the decree is signed and initial the corrections or alterations, if any.

~~15.6.85~~  
~~15.6.85~~  
~~15.6.85~~

\*Enter here the date of the judgment.

day of April 1985  
 Given under my hand and the seal of this Court, this\* 8 H.  
 per cent. per annum from this date to date of realisation.

on account of the costs of this suit, with interest thereon at the rate of

to the

be paid by the

and that the sum of Rs.

1. (a) Atul Singh
2. (a) Atul Singh
2. (b) Devi Singh
2. (c) Devi Singh
2. (d) Sarabjit Singh
3. Smt. Sarabjit Singh, wife of Sri Sarabjit Singh, Naha
4. Smt. Namika Chatterjee, wife of Sri Anand Chatterjee, Calcutta - 14.
5. Smt. Madhvi Chatterjee, wife of Sri Anand Chatterjee, Calcutta - 26.
6. Smt. Menaka Chatterjee, wife of Sri Anand Chatterjee, Calcutta - 25.
7. Sri Sarabjit Singh, having a permanent residence at 5c, Janta Raj Road, P.S. Bhowanipore, Calcutta - 25, working for gain of present at - Miller Road - 15, 4355 Wadia Federal Republic of Germany, ... Defendant.

\*\*\*



17



Note 1. The parties should apply as soon as possible for the return of all exhibits which they may wish to preserve as they will be destroyed at the time prescribed by the High Court (Rule 557 et seq, Civil Rules and Orders Vol. 1).

Note 2. The above note or the Schedule of costs shall be pinned through if there are no exhibits for return or no costs in favour of any parties (See Note 1 to Rule, 486, Civil Rules and Orders, Vol. 1).

		Defendant		Plaintiff	
		Rs.	p.	Rs.	p.
1.	Stamp for power	—	—	—	—
2.	Stamp for petitions and affidavits	—	—	—	—
3.	Stamp for petitions and affidavits	—	—	—	—
4.	Cost of exhibits including copies made under the Bankers' Books' Evidence Act, 1891	—	—	—	—
5.	Pleadings' fee	—	—	—	—
6.	Subsistence and travelling allowances of witnesses (including those of party, if allowed by Judge)	—	—	—	—
7.	Process fees	—	—	—	—
8.	Commissioners' fees	—	—	—	—
9.	Demi-paper	—	—	—	—
10.	Cost of transmission of records	—	—	—	—
11.	Other costs allowed under the Code and Civil Rules and Orders	—	—	—	—
12.	Adjustment cost not paid in cash (to be added or deducted as the case may be)	—	—	—	—
Total		—	—	—	—

Costs of suit.

Certified to be True Copy  
Submitted by 10/02/22  
Head (Comparing) Copying Department  
District Judge's Court  
Accepted u/s 19 Act, 1 of 1800

Examined and found to be a true copy and correctly stamped.  
Sawuk Sotho  
Comparing Clerk  
Date: 16/02/22  
Dist. Judge's Court

READY ON  
10 FEB 2022  
District Judge's Court Copying Department  
Alipore, 24 Parags. (3)

District Judge's Court Copying Department  
Alipore, 24 Parags. (3)  
28-27/1/2022 (10/02/22)  
10/02/22



contd. p/2.

Calcutta - 14.  
Chatterjee, of 101B, Taltala Lane,

wife of Sri Sudhindra Nath

5 4. Smt. Namita Chatterjee,

17, Dharmatala Lane, Howrah.

wife of Sri Sallash Chatterjee,

3. Smt. Sovana Chatterjee,

P.S. Bhowanipur, Calcutta-25.

of 15A, Shyamananda Road,

wife of Sri Achinta Ganguly,

~~5 2. Smt. Shefalika Ganguly,~~

Calcutta - 25.

Road, P.S. Bhowanipore,

4-12-80

M 48 C

with order

applied for

found as

Mukherjee of 2/10, Town Shend

widow of Lt. Ashoke Jiban

5 1. Smt. Anima Mukherjee,

-versus-

.....Plaintiff.

P.S.-Cossipore, Calcutta - 2.

of 4-D, Bran Nath Choudhuri Lane,

wife of Sri Ashoke Kr. Chatterjee

Smt. Jonaki Chatterjee,

Ashoke Jiban Mukherjee.

Probate in granting of the estate of

In the matter of :-

O. S. No. of 1983  
Arising out of Act XXXIX Case No. 73 of 1983.

In the Court of the District Judge at Alipore.

ED-48332  
D.F.

District - 24 Paraganas.



Sd/- A.D. J. M. R.

Genotek ch...  
Filed by,  
M.A. Anon  
Adv.

5 2(a) Achinta Ganguli, Ankona  
2(b) Anup Ganguli  
2(c) Anup Ganguli  
2(d) Anup Ganguli

VP. 6 of 11-11-84

24/11/84 2 hours meet is substituted by four hours

(3) Smt. Manojita Bhattacharya  
(2) Smt. Anima Mukherjee

(1) 484  
4832  
483

16/6 for C. J.



1. That the above numbered Act XXXIX Case being No. 73 of 1983 (Probate) being contentions by the defendant Nos. 3 & 4 the plaintiff craves leave to file the said application for granting of probate in her favour as original suit and application thereof be treated as plaint the near relations as described in the said application are being defendant nos. 1 to 7 named in the application in granting of probate in favour of the plaintiff.

follows :-

The plaintiff above named respectfully begs to state as

.....Defendants.

7. Smt. Santanu Mukherjee,  
son of Lt. Ashoke Jibam Mukherjee  
having a permanent residence at  
resident of 2/10, Town Shend Road,  
P.S. - Bhowanipore, Calcutta-25,  
working for gain at present at  
Mittel Kamp-15, 4355 Waltryp  
Federal Republic of Germany.

6. Smt. Monaja Banerjee,  
wife of Deb Nath Banerjee, (deceased)  
of 50, Indra Roy Road, W/O  
P.S. Bhowanipore, Calcutta-25.

5. Smt. Madhuj Chatterjee,  
wife of Sri Amitava Chatterjee,  
1/1/7, Nepal Bhatlacharjee Lane,  
Calcutta-26, P.S. Bhowanipore.



3  
 Filed by,  
 Md. Anwarul Haq  
 Adm

Monaki Chatterjee

WEST BENGAL



7  
8

3.....

sitting on the same day.

registered by him and duly attested by witnesses in a single  
Ashoke Ji-ban Mukherjee, since deceased was duly executed and

2. That the annexed will and last testament of said

died on 1.9.32 at the above-mentioned address.

road, P. S. - Bhowanipore, Calcutta-25, District-24-Banganas,

son of Lt. Nagendra Nath Mukherjee, resident of 2/10, Town Shend,

hereto is the last will and testament of Ashoke Ji-ban Mukherjee

1. That the writing dtd. 14th. January, 1932 annexed

The applicant hereinabove most respectfully sheweth :-

P. S. - Cossipore, Calcutta-2.

residing at 40, Pran Nath Choudhuri Lane,

wife of Smt Ashoke Kr. Chatterjee,

Smt. Jonaki Chatterjee,

The humble petition on behalf of

JONAKI CHATTERJEE ..... APPLICANT.

in the matter of :-

And

since deceased.

estate of Ashoke Ji-ban Mukherjee

in the matter of :-

And

1932.

276 of the Indian Succession Act XXXIX of

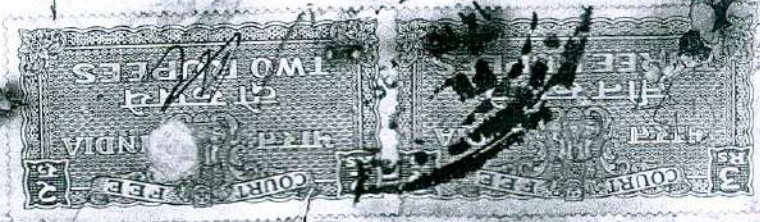
an application for probate under section

In the matter of :-

act XXXIX case No. 73 of 1933 (Probate).

In the Court of the District Delegate at Alipore.

District-24-Banganas.



JONAKI CHATTERJEE  
EXECUTOR

to the Estate of

LATE ASOKE JIBON MUKHERJEE

Filed by  
Hd. Anand

*Jonaki Chatterjee*

*6/5/33 for  
D.R. 5/10/33  
D.R. 5/12/33*



2.....

Road, P.S. - Bhowanipore, Calcutta-25 :- wife.

Mukherjee of 2/1C, Town Shend

widow of Lt. Ashoke Jiban

1. Smt. Anima Mukherjee,

RELATIONS.

N A M E

near relations :-

6. That the deceased who used to govern by the Hindu Succession Act at the time of death left following the

therefrom.

immovables of the deceased in all rights and interests apply for granting of probate for property of movables or manage, maintain and to administer the property and also to the said will by the said deceased Ashoke Jiban Mukherjee to

5. That the applicant is one of the executors named in

within the jurisdiction of this Id. Court.

the jurisdiction of this Id. Court and the deceased died also

attidavit leaving at the time of death of the testator is within

4. That the property specifically described in the annexed

probate and within the jurisdiction of this Id. Court.

the subject matter of this present application for granting of

described in the schedule of the attidavit of assets which is

properties mentioned in the annexed will more particularly

Road, P.S. - Bhowanipore, Calcutta-25, The deceased left some

had his fixed place of abode at premises No. 2/1C, Town Shend

3. That the deceased testator at the time of his death

JONAKI CHATTERJEE  
EXECUTOR  
to the Estate of  
LATE ASOKE JIBON MUKHERJEE

*Jonaki Chatterjee*



MAY 1927

*Filed by  
Hd. - Anand Ash*





7.....

- 6. Smt. Madhuj Chatterjee,  
wife of Sri Amtava Chatterjee,  
1/1/7, Nepal Bhatta-charjee Lane,  
Calcutta-26. P.S. - ~~Shovanpur~~ <sup>Willingdon</sup> Calcutta-26. P.S. - ~~Willingdon~~ <sup>Willingdon</sup>
- 5. Smt. Jonaki Chatterjee,  
wife of Sri Ashoke Kr.  
Chatterjee of 4-D, Pran Nath  
Choudhuri Lane, Calcutta-2,  
P.S. - Cossipore. .... Applicant.
- 4. Smt. Manita Chatterjee,  
wife of Sri Sudindra Nath  
Chatterjee, of 101B, Daltala-  
Lane, Calcutta-14.
- 3. Smt. Sovana Chatterjee,  
wife of Sri Satesh Chatterjee,  
17, Dharmatala Lane, Howrah  
:- Daughter.
- 2. Smt. Sheralika Ganguly,  
wife of Sri Achinta Ganguly,  
of 15A, Shyamananda Road,  
P.S. - Bhowanipur, Calcutta-25. :- Daughter.

N A M E

20-11-1983



JONAKI CHATTERJEE  
EXECUTOR  
to the Estate of  
LATE ASHOKE JIBON MUKHERJEE

Filed by  
Ked. Anand Das  
6



to apply for the same singly.

same and for which they gave their consent to the applicant they are not interested to obtain probate or to apply for the ~~the deceased testator~~ are also executrixs named in the will but of the deceased testator and ~~Smt. Monaja Banerjee daughter of the~~ wife of the deceased testator and ~~Smt. Monaja Banerjee daughter~~ petitioner viz. ~~xxxxxxx Smt. Anma Mukherjee,~~

9. That there are other two executrixs besides your

deceased in all rights and interests therefrom.

probate of property movables or immovables property of the and also to apply for either severally or jointly granting of of the said will of the deceased who will manage the property

8. That the applicant is one of the appointed executrixs

mentioned in schedule of affidavit of assets.

hereto who has no interest on the property left by the deceased testator and is one of the executrixs of the said will annexed

7. That the applicant is the daughter of the deceased

~~General Republic of Germany: - Son.~~  
 Bhowanipore, working for gain at present  
 of ~~Mittel~~ Mittel Camp-15, 14385 Waldrop

Road, Calcutta-25, P.S. -

or resident of 2/10, Town Shend

having a permanent residence at

son of Lt. Ashoke Jiban Mukherjee,

3. Smt. Santanu Mukherjee,

Calcutta-25, P.S. - Bhowanipur. :- Daughter.

of 50, Indra Roy Road,

wife of Smt. Nath Banerjee,

7. Smt. Monaja Banerjee,

N A M E

R E L A T I O N .

:- (4) :-



JONAKI CHATTERJEE  
 EXECUTOR  
 to the Estate of  
 LATE ASOKE JIBAN MUKHERJEE

Filed by,  
 M. S. Ghosh  
 for



P.....6

*Jonaki Chatterjee* at my lawyer's chamber. and I sign this verification on 11.3.83

the best of my information and belief. stated in the above petition is true to petitioner named hereby declare what is executrixs named in the will and the Sri Ashoke Mr. Chatterjee, one of the I, Smt. Jonaki Chatterjee, wife of

VERIFICATION.

In that regard. to pass other appropriate order or orders since deceased and be further pleased the said testator Ashoke Japan mukherjee petitioner of the said annexed will of to grant a probate in favour of your Your Honour will graciously be pleased your petitioner most humbly prays that Under the circumstances stated above

*12. That your petition has not yet got delivered to the original of the said property. Will after registration and after receiving the same your petition craves leave to file the same instantly.*

of probate of the said will or for the letters of administration application hask yet been made/applied for granting of probate by any body to any court or in this court for granting That to the best of your petitioner's belief, no

10. That the amount of the assets which are likely to come to your petitioner's hand as executrix of the said will to the tune of Rs. 2,43,000/- and have been fully stated in affidavit of assets annexed hereto in Schedule 'A' thereto.

*Md. Anwar Ali, Secy. Sr.*

*Jonaki Chatterjee*  
JONAKI CHATTERJEE  
EXECUTOR  
to the Estate of  
LATE ASOKE JISON MUKHERJEE  
*Filing by*  
*Md. Anwar*

*20 May 1983*



:- (5) :-



4

8

Calcutta - 14. ...p/2.

Calcutta - 14.

Typed by :- *Siva Pade Chakraborty*.  
4, Prince Anwar Shah Road,  
Calcutta-33.

*Chandra Kanta Chatterjee*  
28/2/83

I, Sri Chandra Kanta Chatterjee, son of  
*Chandra Kanta Chatterjee* residing at  
37-A, Harish Mukherjee Road, P.S. - Bhowanipur,  
Calcutta-26, am one of the witnesses of the  
last will and testament of the testator Ashoke  
Siban Mukherjee, mentioned in the above petition  
declare that I was present and saw the testator  
affix his signature thereto.

Verification of witness.

14 MAR 1983  
14 MAR 1983

*Jonaki Chatterjee*  
JONAKI CHATTERJEE  
EXECUTOR  
to the Estate  
of the Estate  
of Late ASOKE JIBAN MUKHERJEE  
Puducherry  
K.A. Anand

9

Certified to be True Copy  
Head Comptroller  
Copying Department  
District Judge's Court  
Accepted w/s 19 Act. 1 of 1800

*Sanket Day 10/02/22*

Examined and found to be a true  
copy and correctly stamped.  
Saurabh  
Companying Clerk  
Date: 10/02/22  
Dist. Judge's Court

READY ON  
10 FEB 2022  
District Judge's Court, Copying Department  
Alipore, 24 Parganas (S)

District Judge's Court, Copying Department  
Alipore, 24 Parganas (S)  
28-2200 (Alipore) South 24 Parganas  
10 FEB 2022



*Jonaki Chatterjee*  
...2

of the said deceased Testator  
report of the Collector towards valuation of the property  
act has not yet been issued to your petitioner as the  
Schedule VIII under Section 290 of the Indian Succession  
under the seal of this Court in the Form set forth in  
passed by this Id. Court as stated above the probate order  
3. That although order of granting probate was

Mukherjee .  
probate of the aforesaid will of the deceased Ashok Jiban  
was pleased to pass judgement and order for granting  
and testamentary capacity of the said will this Id. Court  
2. That after the due proving of execution, attestation

ested to apply for the same.  
Jiban Mukherjee as the other executrix were not inter-  
and Testament dated 14.1.82 of the said deceased Ashoke  
alone applied for grant of probate of the said last will  
Jiban Mukherjee, since deceased as one of the executrix  
in the last will and Testament of her father Ashoke  
1. That your petitioner having appointed and named

most respectfully Sheweth :

The humble petition of the  
plaintiff abovesaid.

Anima Mukherjee & Ors ... Defendants

- Vs -

Jonaki Chatterjee ... Plaintiff

O.S. No. 177 of 1984

In the Court of the 5th Additional Judge at Allipore

District : 24 Parganas



*Jonaki Chatterjee*



*Jenani Chatterjee*

not only likely to come to your petitioner's hand  
 ted by the said Authority of the said deceased which are  
 as were given before the Estate Duty Authority and accep-  
 and the detailed particulars of the immovable properties  
 Advocate as to the movable articles as well as liabilities  
 and lack of knowledge could not instruct her earlier  
 the executrix your petitioner due to inadvertence, mistake  
 amount of the assets as are likely to come to the hands of  
 swearing of the Affidavit in regard to the value of the  
 record and it appears to your petitioner that as to  
 matter through whom your petitioner has gone through the  
 Advocate ~~in behalf of your petitioner~~ to conduct the above  
 5. That your petitioner recently has appointed a new

made by the Collector with that of the Estate Duty.  
 And apart a wide difference in the valuation has been  
 procedure followed by the said Id. Collector to that effect.  
 to a computation of the valuation showing the method and  
 is very scribbly and does not contain the details as  
 property is a scientific manner. And apart the said report  
 reviewing the principles of making the valuation of the  
 tary, unjust and not made according to law, as well as  
 said valuation made by the Collector is apparently arbi-  
 the property in connection with the aforesaid case. The  
 (South) has sent his report towards the valuation of  
 1987 got information that the Id. Collector 24 Parganas  
 4. That your petitioner in the month of December,

payment of probate duty.  
 take steps which is required to take under law for  
 October, 1987 and for which your petitioner could not  
 has not yet been reached to this Id. Court prior to



*Jenani Chatterjee*



That in view of the amendment sought for herein above it is also necessary to direct the Id. Collector 24 Parganas (South) Revenue Munsifi Khans Department at Alipore for assessment of proper valuation of the property of the said deceased Ashoka Jiban Mukherjee being the testator of his last will and Testament dated 14-1-82 which is the subject matter of the said will under probate after expunging the report sent by the Id. Collector based on the earlier Affidavit of Assets sent to the office of the Id. Collector

or expunging the particulars given therein .  
probate by separate petition or Affidavit after deleting presented at the time of preferring the application for which would be put in the schedule of the Affidavit of Assets petitioner's hand as sought for in the schedule herein below amend the Affidavit of Assets as are likely to come to your That in the above context your petitioner seeks to

deceased and the liabilities of the said deceased.  
and also to include the left out movable assets of the said mode of computation or valuation on your petitioner's part to be amended by incorporating details particulars and but also in good & senses the Affidavit of Assets is required of your petitioner . Not only to avoid future complications Assets are unintentional and bonafide mistake on the part the said will . The errors appearing in the Affidavit of the said will she has not been created any interest in of the daughters of the said deceased but as per terms of herein that your petitioner, being the Executrix is one the legatees under the terms of the will . It is noted matter of the said will and which has been bequeathed to on the grant of probate but these properties are the subject

*Domestic Judge*





And your petitioner as in duty bound shall ever pray.

deem fit and proper.

order or orders as your Honour may  
dated 14-1-82 and/or pass such other  
under his last Will and Testament  
Testator Ashok Jiwan Mukherjee left  
of the property of the said deceased  
for assessment of proper valuation  
Munshi Khana Department at Alipore  
Collector 24 Parganas (South) Revenue  
by the Id. Court and to direct the Id.  
Id. Collector 24 Parganas (South)  
sent to the ~~attorneys~~ office of the  
on the earlier affidavit of Assets  
report sent by the Id. Collector based  
amendment as sought for expunge the  
herein below and on allowing such  
probate in the manner sought for  
with the application for grant of  
swared by a separate petition along  
and the Affidavit of assets as were  
would be graciously pleased to ~~grant~~  
Hence it is prayed that your Honour

faith.

8. That the application is bonafide and made in good

there would not be proper adjudication.

tioner would not only be seriously prejudiced but also

24 Parganas (South) by the Id. Court, otherwise your peti-



8/6  
Jorani Chatterjee

Jorani Chatterjee

Handwritten initials and a blue arrow pointing to the right.





payable for maintaining the said house.  
 valuation deducting repairing and other charges used to be  
 basis of maintainable rental value as well as Municipal  
 Two Lakhs Ninetyfour thousand only), computation made on the  
 death of the Testator valued at Rs. 2,94,000/- (Rupees  
 P.S. Bhawanipore, Calcutta-25 which was at the time of  
 and that the said premises is known as 2/1C, Townshed Road,  
 Six hundred only) per month plus occupier share of the tax  
 school who used to pay Rs. 3600/- (Rupees Three thousand  
 occupied by a tenant viz. Julian Day School for running a  
 1st floor, 2nd floor and 3rd floor were/are used to be  
 the first floor with attached verandah and other rooms of the  
 for residential purpose the ground floor and one room in  
 out of the rooms of the premises the Testator used to occupy  
 consists of 5 rooms, one lobby, one verandah, two bath-rooms.  
 lobby, one verandah, two bath rooms, the 3rd floor,  
 two bath rooms, the ground floor consists of 4 rooms, one  
 first floor consists of 5 rooms, one lobby, one verandah,  
 one lobby, one verandah, two bath rooms, one kitchen, the  
 4-storied building the ground floor consists of 5 rooms,  
 covering more or less 2000 sq. ft. and that is the said  
 or less 6 kattahs containing a 4-storied old building  
 (a) All that piece and parcel of land measuring more

Schedule A  
 Annexure - A  
 (Immovable property)

After deleting and/or expunging the entire statements  
 as to properties of the said deceased given in paragraph  
 3 schedule portion and to put in the following statements  
 as to valuation of properties liabilities etc. as follows :

Schedule of proposed amendment



gorani chattriya



... Rs. 30,000/-

Testator entered into Contract for sale of the property for maintaining the said house as well as at the value the deducting repairing and other charges used to be payable of maintainable rental value as well as Municipal valuation valuation and which was sold, Computation made on the basis of such Transferee by the Beneficiaries under the Will of such In the Will for execution of Sale Deed in favour of the at Rs. 30,000/- (Rupees thirty thousand only), directing Testator prior to his death by an Agreement of Sale Calcutta-26, Tollygunj, P.S. which was encumbered by the known as premises No. 165 and 164 Monoharpukur Road, All that piece and parcel of land with structure

... Rs. 38,420/-

charges used to be payable for maintaining the said house well as Municipal Valuation deducting repairing and other made on the basis of the maintainable rental value as Thirtyeight thousand four hundred twenty only). Computation Testator the property was valued at Rs. 38,420/- (Rupees both shares of tax and as such at the time of death of the pay rent Rs. 440/- (Rupees four hundred forty only) plus time of death of the Testator the tenant was obliged to Ramash Mitre Road, Calcutta-21, P.S. Bhowanipore at the of the Testator and that the said premises is known as 29A, tenant viz. a petrol pump and another at the time of death with a small structure, entirely in occupation of a (b) All that piece and parcel of land measuring 4 katheh

Valuation of the Property



88/2  
Gonaki chattrijee

Gonaki chattrijee

7

8



*Jonaki Chatterjee*

I, Smt. Jonaki Chatterjee, wife of Sri

A f i d a v i t



The net total sum after deduction of expenses shown in Annexure B from the valuation of the property as shown in Annexure A is Rs. 2,75,261/- (Rupees Two Lakhs

Rs. 1,58,461/-

at the time of his death. ... Rs. 91,326/-

to the Income tax Authority

Tax with penalty payable

Arrear Income tax, wealth

... Tax. ... Rs. 15,125/-

Arrear Corporation

... Mortgage Loan ... Rs. 26,000/-

... Funeral expenses ... Rs. 1,000/-

... Medical expenses ... Rs. 25,000/-

at the time of his death which are under law deductible. That the debts and liabilities left by the deceased

Schedule of Debts

*Total Rs. 433722 in Annexure A*

Unit Trust (Sale value)	Rs. 66,802/-
Cash in hand and bank	Rs. 2,000/-
House-hold articles (wearing apparels and furnitures etc.)	Rs. 2,500/-
<b>Total :</b>	<b>Rs. 71,302/-</b>

II - Movable property



*Jonaki Chatterjee*



General Chatterjee

1938/11/22  
Muzumdar

The Court has to consider the evidence...  
The evidence...  
The Court has to consider the evidence...  
The evidence...  
The Court has to consider the evidence...  
The evidence...

by me. *[Signature]*  
57-1-1938  
1938

Known and identified  
Deponent.

*[Signature]*  
General Chatterjee

submission before this Id. Court.  
are true to my knowledge and the rest are my humble  
part of 8 of the foregoing application marked 'X'.  
That the statements contained in paragraphs 1 to

This is true to my knowledge.  
case.  
converant with the facts and circumstances of the  
That I am the plaintiff in this suit and am well

This is true to my knowledge.  
Mukherjee.  
Will and Testament of the deceased Ashoke Jiban  
That I am one of the executrix to the last

solemnly affirm and declare as follows :-  
Choudhury Lane, P.S. Gopalpore, Calcutta- 2 do hereby  
Hindu, by occupation housewife, residing at 4D, Premnath  
Sri Ashoke Kumar Chatterjee aged about 36 years, by faith

*[Signature]*  
General Chatterjee



Advocate.  
*[Signature]*  
Prepared in my office.

*Handwritten notes:*  
9.05.22  
P.32

Certified to be True Copy  
Head Comptroller,  
Copying Department,  
District Judge's Court,  
Alipore  
Accepted w/s 19 Act. 1 of 1800

*Stamp:* Sankar Das 10/02/22

Alipore  
Comparing Clerk  
District Judge's Court  
Date 16/02/22  
Sankar Das  
Examined and found to be a true  
copy and correctly stamped.

Dist. Judge's Court, Copying Department  
Alipore, 24 Parga. (S)  
10 FEB 2022

Dist. Judge's Court Copying Department  
Alipore, South 24 Parga.  
28-10-1974 (S)