

(2003) 01 CAL CK 0017

Calcutta High Court

Case No: F.A. No. 95 of 1999 and C.A.N. No. 9719 of 1997

Ratan Chandra Das

APPELLANT

Vs

Goutam Das and Others

RESPONDENT

Date of Decision: Jan. 8, 2003

Acts Referred:

- Administrator Generals Act, 1963 - Section 29, 32

Citation: (2004) 2 CHN 461

Hon'ble Judges: Hrishikesh Banerji, J; Ajoy Nath Ray, J

Bench: Division Bench

Advocate: Aniruddha Chatterjee and Haridas Das, for the Appellant; Manoj Kumar Roy and Ratan Das, for the Respondent

Final Decision: Dismissed

Judgement

Ajoy Nath Ray, J.

This is an appeal from preliminary decree. There is only one appellant. It is submitted that the share declaration is erroneous because the appellant is the holder of Letters of Administration granted by the Administrator-General under the Administrators-General Act, 1963. The appellant thus claims full rights to the exclusion of others.

2. No doubt, Section 29 of the said Act provides that in case the value of the assets does not exceed 50,000/- rupees (as per current amendment) the Administrator-General has jurisdiction to grant such letters. The effect of the grant is mentioned in Section 32.

3. The effect of the Letters of Administration granted by the Administrator-General is no more than Letters of Administration granted by ordinary Courts of law. These do not give to the holder of the letters, title to the property but rather obliges the holder to administer the estate in accordance with law and the rights of succession.

4. Therefore, the preliminary decree is in no manner erroneous in the matter of declaration of shares. The respondents also have relied upon a Patna High Court case ([Kamla Prasad and Another Vs. Murli Manohar,](#)) for further supporting the above proposition. As such, the appeal is dismissed with costs.

5. As the preliminary decree now stands confirmed by the dismissal of the appeal; the sooner the final decree is passed and the partition suit is disposed of, the better.

6. Lower Court records be transmitted to the Court below immediately.

Hrishikesh Banerji, J.

I agree.