

(1909) 06 CAL CK 0017
In the Calcutta High Court

Sri Gobind Parsad

APPELLANT

Vs

Musammat Laljhari Kuer and Another

RESPONDENT

Date of Decision : 02-06-1909

Acts Referred:

Citation : (1909) 06 CAL CK 0017

Judgement

1. This is an appeal from an order of the District Judge of Patna, dated the 24th June 1907, dismissing the application of the petitioner-appellant for revocation of an order granting Letters of Administration, u/s 50 of the Probate and Administration Act, on the ground that the petitioner had no locus standi for such revocation. The will in respect of which Letters of Administration were granted was made by a Hindu widow purporting to convey her stridhan property to her daughter and to her grandson who have taken out Letters of Administration accordingly. We are now asked to revoke the order granting Letters of Administration be-cause the testatrix had in fact no stridhan property and the property which she purported to deal by the will was the property of the joint family of which she was a member. It was farther alleged that the will was forged and objectionable on other grounds. The learned Judge of the Court below has held, as we have said before, that the petitioner had no locus standi; and in support of his conclusion he relied on the case of Abhiram Dass v. Gopal Dass 17 C. 48 where it is laid down that a person disputing the right of a deceased testator to deal with certain property as his own cannot be properly regarded as having an interest in the estate of the deceased. In this case it appears to us to be perfectly plain that the petitioner had not, and could not, have any interest in the estate of the deceased. On the contrary he alleged that the estate had in fact no existence, and that what she had was an interest in the estate of her father. He, therefore, does not come under the description given in Section 69 of the Probate and Administration Act of a person having any interest in the estate of the deceased," and is incompetent to make the application in this case.

2. The result is that this appeal is dismissed with costs.

3. We assess the hearing fee at three gold mohurs.