Sl.8
17.11.2026
Court No.6
BP

C.O. 1901 of 2026

Jayashri Bannerjee @ Jayashri Bandopadhyay
-versus-
Jayita Bandyopadhyay & Ors.

Mr. Sagar Bandopadhyay
Ms. Soma Kar Ghosh
Ms. Suparna Paul
..for the petitioner

Mr. Sounak Mandal
Mr. Anirban Saha Roy
Mr. Prithiraj Dey
..for the opposite party no.1

This application under Article 227 of the Constitution of India is at the instance of the opposite party in ACT 39 Misc. Case No. 90 of 2024 and is directed against an order being no. 6 dated April 24, 2025 passed by the learned District Delegate, Hooghly in Act 39 Case No.90 of 2024.

The learned advocate appearing for the petitioner submits that the petitioner and not the opposite party no.1 is the nominee in respect of the pension account. He further submits that the pension account does not form the subject matter of the instant succession certificate proceeding. He submits that the learned trial judge ought not to have directed the opposite party no.2 i.e. Life Insurance Corporation of India to issue pension to the petitioner.

Heard Mr. Mandal, learned advocate for the opposite party no.1.

The learned District Delegate by an order dated 2nd December, 2024 restrained the opposite party no.1 from collecting the death benefit of the deceased Chandranath Bandyopadhyay and the opposite party no.2 herein was directed not to disburse death benefits or dues in respect of deceased Chandranath Bandyopadhyay for a limited period. The said order was extended from time to time. In the meantime the opposite party no.1 filed an application under Section 151 of the Code of Civil Procedure praying for a direction upon the opposite party nos. 2 and 3 to provide pension to the petitioner on account of the death of Chandranath Bandyopadhyay since deceased. Such application was allowed by the impugned order.

After going through the impugned order this Court finds that the sole ground for passing a direction upon the opposite party no.2 i.e. Life Insurance Corporation of India to issue pension to the opposite party no.1 herein is that the opposite party no.1 is the nominee of the deceased. However, in the application under Section 151 of the Code of Civil Procedure it has not been pleaded that the opposite party no.1 is the nominee of the deceased.

Mr. Mandal, learned advocate appearing for the opposite party no.1 also could not produce any material or documents in support of the finding recorded by the

learned District Delegate that the opposite party no.1 is the nominee of the deceased.

The foundational basis of the impugned order is that the opposite party no.1 is a nominee of the deceased. Such finding suffers from perversity and for such reason this Court is inclined to interfere with the said order.

In view thereof, the order dated 24 April, 2025 is set aside. The application under Section 151 of the Code of Civil Procedure which stood disposed of by the impugned order stands restored to the file of the District Delegate, Hooghly and the learned District Delegate, Hooghly is requested to dispose of such application afresh strictly in accordance with law after affording an opportunity of hearing to the respective parties and by passing a reasoned order.

The learned District Delegate, Hooghly is requested to make an endeavour to dispose of the application under Section 151 of the Code of Civil Procedure and thereafter the Act 39 Case No.90 of 2024 as expeditiously as possible but preferably within a period of six months from the next date fixed without granting any unnecessary adjournments to either of the parties.

With the aforesaid observations, C.O. 1901 of 2026 stands disposed of.

There shall be, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)