

Meehan v Bagai

2026 NY Slip Op 31677(U)

April 15, 2026

Supreme Court, New York County

Docket Number: Index No. 655012/2025

Judge: Phaedra F. Perry-Bond

Cases posted with a "30000" identifier, i.e., 2013 NY Slip Op 30001(U), are republished from various New York State and local government sources, including the New York State Unified Court System's eCourts Service.

This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. PHAEDRA F. PERRY-BOND PART 35

Justice

-----X

ALAN MEEHAN, and SHANA AZRI-MEEHAN

Plaintiffs,

- v -

SHAGUN BAGAI, as Voluntary Administrator of the Estate of SHREYA HOWLADAR

Defendant.

-----X

INDEX NO. 655012/2025

MOTION DATE 09/15/2025

MOTION SEQ. NO. 001

DECISION + ORDER ON MOTION

The following e-filed documents, listed by NYSCEF document number (Motion 001) 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20

were read on this motion to/for DISMISSAL

Upon the foregoing documents, Defendant's motion to dismiss Plaintiff's Complaint pursuant to CPLR 3211(a)(7) and (a)(8), and requiring Plaintiffs post security for costs pursuant to CPLR 8501 is denied. Plaintiff's cross motion is denied as moot.

Plaintiffs allegedly own Apartment 1308 in a condominium located at 88 Greenwich Street, New York, New York (the "Premises"). Plaintiffs leased the Premises to Shreya Howladar ("Decedent") on September 19, 2022 for a lease term running from November 1, 2022 through October 31, 2023. Decedent allegedly defaulted under the lease and a summary nonpayment proceeding commenced on August 21, 2023. The Decedent was allegedly found deceased in the Premises on or about September 16, 2023, and Defendant, as limited administrator of Decedent's estate, allegedly surrendered possession of the Premises on September 29, 2023. Plaintiffs now sue Defendant for unpaid rent and additional rent for painting, repairs, and biohazard clean-up conducted in relation to Decedent's passing.

Plaintiff responds with a pre-answer motion to dismiss on the basis that Defendant has not been appointed administrator of Decedent's estate except for specific limited purposes nor was Defendant a co-signer or guarantor of the lease. Plaintiffs cross move asking this Court to appoint Defendant as administrator of Decedent's estate, or appointing non-party David S. Shor as co-administrator of Decedent's Estate and granting Plaintiff an extension of time to complete service of process.

Defendant's motion to dismiss is denied. The motion is supported by nothing more than a barebones attorney affirmation which is devoid of any evidentiary value and is purely hearsay (*see Beltre v Babu*, 32 AD3d 722 [1st Dept 2006]). Defendant fails to provide her own affidavit, let alone any documents regarding her appointment in Surrogate's Court. This is wholly lacking for purposes of obtaining dismissal under CPLR 3211(a)(7). Defendant's failure to provide her own affidavit disputing service is also wholly insufficient to obtain dismissal under CPLR 3211(a)(8). Defendant's motion for costs pursuant to CPLR 8501 and for a stay until security is posted pursuant to CPLR 8502 is likewise denied. Although Plaintiffs are residents of New Jersey, they are owners in fee simple of a condominium unit in New York (*see, e.g. Napolitano v Gustavson*, 190 AD3d 530 [1st Dept 2021] [although plaintiff was resident of New Jersey, she also maintained a residence in Manhattan and thus security for costs was not warranted]). Moreover, the condominium unit provides vastly more security for costs as opposed to the \$500 Defendant would be entitled to under CPLR 8503. Therefore, Defendant's motion is denied. The Court may entertain a renewed application with the proper supporting papers if Defendant can provide a reasonable excuse for the failure to adequately support its motion in the first instance.

Plaintiffs' cross motion is denied as moot. This action is grounded in breach of contract. Pursuant to EPTL § 11-3.1, "[a]ny action, other than an action for injury to person or property,

may be maintained by and against a personal representative in all cases and in such manner as such action might have been maintained by or against [her] decedent.” There is no dispute that Defendant has been named a personal representative as a voluntary administrator, and therefore she may be sued in her personal capacity (*see also Rusch Factors, Division of BVA Credit Corp. v Sheffler*, 58 AD2d 557 [1st Dept 1977]). Given the record before the Court, there is no basis to appoint Defendant or another non-party as administrator as Defendant is already a personal representative within the meaning of EPTL § 11-3.1. Moreover, there is no basis to grant an extension of time to serve as Defendant failed to submit any evidence disputing proof of service, and her sole reliance on an affirmation of counsel is woefully insufficient.

Accordingly, it is hereby,

ORDERED that Defendant’s motion to dismiss or seeking security for costs is denied; and it is further

ORDERED that Plaintiffs’ cross motion is denied as moot; and it is further

ORDERED that within twenty days of entry, counsel for Defendant shall serve an Answer to Plaintiffs’ Complaint; and it is further


ORDERED that in the interest of judicial economy, if the parties stipulate to litigate this dispute in Surrogate’s Court, where there are already ongoing proceedings with respect to Decedent’s estate, the parties shall notify the Court accordingly, and it is further

ORDERED that in the event the parties do not stipulate or do not move to have this case transferred to Surrogate’s Court, then the parties shall meet and confer and submit a proposed preliminary conference order to the Court no later than May 12, 2026. If the parties have a serious discovery dispute requiring a conference, they shall notify the Court so an in-person conference can be scheduled; and it is further

ORDERED that within ten days of entry, counsel for Plaintiffs shall serve a copy of this Decision and Order, with notice of entry, on all parties via NYSCEF.

This constitutes the Decision and Order of the Court.

4/15/24
DATE


HON. PHAEDRA F. PERRY-BOND, J.S.C.

CHECK ONE:	<input type="checkbox"/>	CASE DISPOSED	<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION	<input type="checkbox"/>	OTHER
	<input type="checkbox"/>	GRANTED	<input checked="" type="checkbox"/>	DENIED	<input type="checkbox"/>	GRANTED IN PART
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/>	SUBMIT ORDER	<input type="checkbox"/>	FIDUCIARY APPOINTMENT
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	REFERENCE	<input type="checkbox"/>	