

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.960 of 2011

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Ishwar Dayal Singh, son of late Radha Pd. Singh, resident of Village Dawan
P.S. & Anchal Jagdishpur, District Bhojpur, Ara

Caveator no.1.... Appellant/s

Versus

1. Dharamshila Devi, wife of Jairam Mahto, resident of Village Dewan,
P.S. and Anchal Jagdishpur, District Bhojpur

-----Petitioner/Respondent Ist Party

2. Degree Yadav, son of late Sobhnath Yadav, Village Dewan, P.S.
Jagdishpur, District Bhojpur ---- Caveator no.2/Respondents IInd Party.

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Appearance :

For the Appellant/s : Mr. Nirmal Kumar Sinha-3

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

12 05-05-2015 Learned counsel for the appellant submits that appellant had purchased land from the co-sharer of late Jhagaru Mahto. He died issue less and he had executed the will in favour of Dharamshila Devi which was subject matter of Probate Case No.44 of 1999 and on objection it was re-instituted as T.S. No.1 of 2001. The court below after examining documentary as well as oral evidence arrived to a conclusion that the last will of Jhagaru Mahto is in favour of Dulhin Dharamshila Devi and found that the will executed by Jhagaru Mahto is legal. In that proceeding the issue was only legality and validity of the bill, not right and title over the property of Jhagaru Mahto and others.

After some argument, learned counsel for the appellant

seeks permission to withdraw this appeal with a liberty to take recourse as available in law before the appropriate forum.

Permission is accorded. Accordingly this appeal is dismissed as withdrawn with the aforesaid liberty.

(Shivaji Pandey, J)

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