

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.19631 of 2014**

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1. Sumitra Devi Wife of Late Ashok Kumar@Ashok Kumar Gupta,  
Daughter of Ram Kishan Sah, Resident of S.D.O.Road, Khagaria,  
P.O+P.S+District-Khagaria **-Opposite 3<sup>rd</sup> Party-Petitioner.**

Versus

1. Nibha Kumari W/O Ranjeet Kumar Sah Resident of Ramanakabad,P.S-  
Khandakpur,District Munger at present Mahadeo Nagar P.S-Sheikhpura,  
District-Sheikhpura.

2. Nisha Kumari Wife of Lalit Sao Resident of Bhutaha Pokhar, P.O+P.S-  
Supaul, District-Supaul, at present Mahadeo Nagar P.S-Sheikhpura,  
District-Sheikhpura. Both Sl Nos.1 and 2 are daughters of Late Ashok  
Kumar of Village-Mahadeo Nagar, P.S. and District-Sheikhpura.

**----Applicants-Respondent 1<sup>st</sup> set.**

3. Mosomat Devrani Devi Widow of Late Ramdas Prasad Resident Of  
Village-Mahadeo Nagar P.S-Sheikhpura, District-Sheikhpura.

**--Opp.Party 1<sup>st</sup> set –Respondent 2<sup>nd</sup> set.**

4. Smt.Geeta Devi Daughter of Shatrughan Sah Resident of Shitala Mandir,  
Driver Tola, P.S-Katihar, District-Katihar.

**----Opp.2<sup>nd</sup> Party-Respondent 3<sup>rd</sup> set-Respondents.**

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**Appearance :**

For the Petitioner/s : Mr. Amrendra Kumar

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE V. NATH**  
**ORAL ORDER**

2      19-01-2015

Heard the learned counsel for the petitioner as

well as the learned counsel for the respondent nos.1 and 2.

The petitioner has assailed the order, passed in  
succession certificate case with regard to the estate of the deceased  
Ashok Kumar, rejecting her petition for recall of order. The  
petitioner has filed the petition for recall of the order dated  
10.12.2011 by which the proceeding has been directed to proceed  
ex parte against the opposite party no.3.

The fact is not in dispute that the opposite party

no.3 in the proceeding has been described as Sumitra Devi daughter of Indradeo Sah. It is the specific case of the present writ petitioner that her father's name is not Indradeo Sah. The petition for recall as above mentioned has been filed by the petitioner claiming herself to be the second wife of the deceased Ashok Kumar. The learned court below after scrutiny of the evidence produced on behalf of the petitioner has come to the finding that the relationship of husband and wife as between the petitioner-Sumitra Devi and the deceased Ashok Kumar is not established.

It is well settled that the proceeding in a case for grant of succession certificate is summary in nature. The finding by the learned court below on the basis of evidence cannot be said to be perverse in any manner. This Court exercising under the supervisory jurisdiction cannot enter into appreciation of evidence for interdicting the finding of fact in the impugned order.

The writ application is, accordingly, dismissed.

The petitioner shall have the liberty to seek appropriate remedy to establish her right, as claimed, before a competent court of law.

**(V. Nath, J)**

Nitesh/-

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