

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14316 of 2015

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Ajay Kumar Sinha

.... Petitioner/s

Versus

Roshan Kumar Sinha & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bishwajeet Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 02-12-2015 Heard learned counsel Mr. Jitendra Kishore Verma on
the Interlocutory Application No.7620 of 2015.

2. At the time of hearing of this interlocutory application
the learned counsel submitted that the writ application may also be
heard on merit in admission matter. Accordingly, I heard him on
merit in admission matter also.

3. This application under Article 227 of the Constitution
of India has been filed by the petitioner against the order dated
15.07.2015/16.07.2015 passed by the learned Additional District
Judge-VIII, Patna in Probate Case No.45 of 2015 whereby the
court below considering the facts of the case held that the caveat
application filed by the present petitioner is not maintainable as he
has got no interest over the property which is covered under the
Will in question.

4. From perusal of the impugned order and also the

statements made in the application under Article 227 of the Constitution of India, it appears that the petitioner is only claiming that he is a pujari performing puja-path of the deity in the temple situated on the property covered under the Will. According to the petitioner, the adopted daughter of the testator had allowed the petitioner to perform puja-path. Subsequently the said testator disintitled the adopted daughter and Will has been executed in favour of nephew. It further appears that the adopted daughter Dr. Shampa Sinha is also cited in the probate application. The probate application is annexure to this application under Article 227 of the Constitution of India.

5. So far submission of the learned counsel that the petitioner has got vital information regarding forgery in execution of the Will is concerned, it may be submitted that since the petitioner is only pujari, he is no interest at all in the property and, therefore, the court below has rightly rejected his caveat. Thus, the impugned order cannot be interfered with in exercise of supervisory jurisdiction.

6. Accordingly, this writ application is dismissed at this stage of admission. Consequently the interlocutory application is also rejected.

Harish/-

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(Mungeshwar Sahoo, J)