

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.478 of 2013

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Smt. Anarkali Devi, wife of Sri Rajmangal Singh, resident of Village +PO-
Enai, P.S. Revilganj, District Saran

.... Appellant/s

Versus

The State of Bihar through The Collector Saran at Chapra

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. D.K. Tiwari, advocate.

For the Respondent/s : Mr. Neeraj Kumar, AC to SC 22.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

9 06-08-2015 Heard learned counsel for the appellant and learned
counsel for the State.

The court below vide order dated 2.4.2013 has rejected the probate case on the ground that primary document i.e. the death certificate of Haridwar Singh was not annexed with the same. In review application it has been claimed that death certificate was annexed. But in the present appeal the appellant has not annexed the copy of death certificate.

When primary document has not been annexed with application, in such situation, it cannot be said that the court below has wrongly exercised the power and committed an error in rejecting the application.

This Court does not find any error in the impugned order. Accordingly this appeal is dismissed. However, the

appellant, if so advised, may file a fresh application annexing the death certificate and the court below will proceed in the matter in accordance with law.

Office is directed to send the lower court records forthwith.

(Shivaji Pandey, J)

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