

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.324 of 2016

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Shila Devi

.... Appellant/s

Versus

Smt. Girja Devi

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Awadhesh Kumar Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 18-08-2016

Learned counsel for the petitioner submitted that only expiry of the plaintiff, the petitioner filed application for being added in title appeal on the ground that the plaintiff has gifted the property in favour of the petitioner but the learned court below rejected the application on the ground that the petitioner is claiming title over the property.

From perusal of the impugned order, it appears that probate case was filed by the respondent which was allowed in the court below. Against the said probate case, title appeal has been filed before the lower appellate court. During the pendency of the appeal, the plaintiff of probate case died and in his place his son has already been substituted who is contesting the probate appeal. Therefore, considering these aspects of the matter, the learned court below held that the question of title is not involved in the case and the estate of the deceased-plaintiff-

respondent is being sufficiently represented by his son, who is contesting the appeal. For deciding the appeal, the presence of the petitioner is not at all necessary.

In view of the above finding recorded by the court below, in my opinion, it is not a case for interference in supervisory jurisdiction.

Thus, this Civil Miscellaneous Application is dismissed.

(Mungeshwar Sahoo, J)

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