

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1113 of 2016**

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Sitaram Singh & Ors

.... Appellant/s

Versus

Ram Suresh Singh & Anr

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sunil Kumar Singh No-10

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO**

ORAL ORDER

2 21-11-2016

Heard learned counsel for the petitioners.

2. Perused the impugned order dated 19.08.2016 passed by the learned Additional District Judge-6th Aurangabad in Probate Case No. 3 of 2015, whereby the learned court below rejected the application filed by the petitioners for dismissing the Probate Case No. 03 of 2015 as time barred under Article 137 of the Limitation Act.

3. The Hon'ble Supreme Court in the case of ***Krishna Kumar Sharma Versus Rajesh Kumar Sharma*** reported in **2009 (3) PLJR 80 SC** has considered this aspect of the matter and approved the decision of the Bombay High Court in the case of ***Vasudev Daulatram Sadarangani versus Sajni Prem Lalwani*** reported in **AIR 1983 Bombay 268** and held that the right to apply would accrue, when it becomes necessary to apply, which may not necessarily be within three years from the date of the deceased'



death.

4. In view of the above settled principles of law laid down by the Supreme Court, I do not find any reason to interfere with the impugned order in exercise of supervisory jurisdiction. Thus, this civil miscellaneous application is dismissed.

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(Mungeshwar Sahoo, J)

