

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3574 of 2016

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Mokhtar Singh

.... Petitioner/s

Versus

Ashok Singh

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 15-07-2016

Heard learned Senior counsel, Mr. Mahesh Narayan

Parwat, appearing for the petitioner.

It appears that the probate case was filed by the petitioner. Contesting reply to the probate case was filed by the opposite party-respondent in the court below. By order dated 22.09.2015 as submitted by the learned counsels for both the parties for converting the probate case to title suit has been allowed and subsequently pursuant to the said order, probate case has been converted to regular title suit.

Since the order under challenge i.e. dated 22.09.2015 passed by the learned VIth Additional District Judge, Chapra in Probate Case No. 69 of 2009 is according to Section 295 of the Indian Succession Act, in my opinion, it is not fit case for interference in exercise of supervisory jurisdiction because the probate case has only been converted to title suit it neither causes

prejudice to any other side nor it occasioned failure of justice.
Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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