

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3519 of 2016

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Manoj Kumar Yadav & Anr

.... Petitioner/s

Versus

Sudhir Kumar Yadav & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Durgesh Kumar, Advocate.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

NO 2 29-04-2016

Heard the learned counsel Mr. Bishaw Nath Prasad

Singh for the petitioners.

The Court below by the order dated 21.01.2016, rejected the said application on the ground that earlier also prayer was made for stay which has already been rejected.

The issue to be decided in probate case is only about genuineness of the Will and, therefore, it will have no direct effect on the issue to be decided in the partition suit, i.e., with regard to share only as in the present case, the parties are brothers, sisters and father. Therefore, the probate case cannot be stay because of pendency of the partition suit.

In such view of the matter, the Court below has rightly rejected the application filed by the petitioner. I, therefore, find no reason to interfere with the impugned order, as such, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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