

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11445 of 2014

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Uma Shankar Sharma, son of Shri Gaya Prasad Singh, resident of village-Amain,
P.S. Parasbigha, District-Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Jehanabad.
2. Gaya Prasad Singh, son of late Nahakdeo Singh.
3. Radhey Shyam Sharma, son of late Awadesh Prasad Singh.
4. Smt. Kanti Devi, wife of late Rashey Krishna Sharma.
5. Amit Kumar, son of late Rashey Krishna Sharma.
6. Sujit Kumar, son of late Rashey Krishna Sharma.
7. Amarnath son of Radhey Shyam Sharma.
8. Alom Kumar son of Radhey Shyam Sharma
9. Manish Kumar son of Radhey Shyam Sharma, all residents of village
Amain, P.S. Parasbigha, District-Jehanabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Respondent/s : Mr. Binodji verma- GP-17

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 04-08-2016

Heard Mr. Dronacharya, learned counsel for the petitioner.

By the impugned order, the learned court below has
rejected the prayer of the petitioner to be impleaded as party in the
Succession Certificate Case.

The fact is not in dispute that the petitioner's father has
filed the Succession Case for obtaining the succession certificate in
the estate of his deceased brother who died issueless and his wife has

also died prior to the filing of the Succession Certificate Case. The claim of the petitioner was that in view of Section 372 of the Indian Succession Act, the near relatives of the deceased are required to be impleaded as party in the Succession Certificate Case.

From the perusal of the impugned order and after considering the submissions, it is evident the learned court below has come to the finding that in presence of his father, the petitioner would be excluded from a right of succession over the property left behind by the deceased Madheswar Prasad Singh in view of the specific provision of Section 8 of the Hindu Succession Act. This Court thus is not inclined to interfere in the impugned order by invoking the jurisdiction under Article 227 of the Constitution of India.

The present application is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

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