

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10042 of 2014

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Chinta Devi wife of Shri Jag Mohan Prasad, Daughter of Late Kishan Sah,
resident of Mohalla Raj Bazar, Beheya, Police Station Beheya, District-
Bhojpur

.... Petitioner.

Versus

1. Ajay Kumar Gupta @ Tengari Son of Gorakh Nath Sah, resident of
village, P.O. AND P.S.- Jagdishpur, District- Bhojpur
2. Sheo Kumari Devi wife of Gorakh Nath Sah, resident of village, P.O.
AND P.S.- Jagdishpur, District- Bhojpur

.... Respondents.

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Appearance :

For the Petitioner/s : Mr. Ganesh Chandra Thakur

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

2 21-06-2016

Heard the learned counsel for the petitioner.

The learned counsel for the petitioner has not been able to satisfy this Court that any error or illegality has been committed by the court below while passing the impugned order. Even otherwise also the fact is manifest from the records that a probate case was filed and it was converted into a title suit after contest. The said probate case was disposed of holding the will to be genuine by judgment and order dated 07.06.2002 (Annexure-2) wherein the learned court had also rejected the prayer on behalf of the parties to partition the land under the will and determine their respective shares. The applicant-plaintiff of the said probate case later on filed the petition on 23.12.2013 purporting to be under

Order 6 Rule 17 C.P.C. praying for amendment in the application/plaint of the probate case seeking to alter/change the area and description of the land as mentioned in the application for probate. By the impugned order the learned court below has declined to allow the prayer after noticing these facts and circumstances and further also on the ground that the prayer has been made belatedly after more than 12 years.

In the aforesaid backdrop, this Court is not inclined to invoke jurisdiction under Article 227 of the Constitution of India for interdicting the impugned order.

This application is, accordingly, dismissed.

(V. Nath, J)

Nitesh/-

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