

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9449 of 2015

- =====
1. Shyam Sundar Sharma
 2. Pramod Singh Both sons of Late Kaushaladhish Singh
 3. Rang Nath Sharma
 4. Satya Narayan Singh Both sons of Late Brij Bhusan Singh All residents of village- Kothia, Post Office-Gaini, Police Station- Obra, District- Aurangabad.
 5. Radha Mani Devi wife of Sitaram Rai, Daughter of Late Brij Bhusan Singh, resident of village- Baligaon, Post Office, Rajandih, Police Station- Rajpur, District- Rohtas.
 6. Anarpati Devi wife of Ram Narain Singh, daughter of Late Brij Bhusan Singh.
 7. Shyamdeo Singh
 8. Chandradeo Singh
 9. Upendra Singh null null
 10. Nawal Singh
 11. Sanjay Singh All sons of Late Rajeshwari Singh All residents of village- Kothia, Post Office-Gaini, Police Station- Obra, District- Aurangabad.
 12. Gayatri Devi, wife of Ramesh Singh, daughter of Late Rajeshwari Singh, Resident of Village- Mehandia, Post Office+Police Station- Mehandia, District- Arwal.
 13. Mostt. Phul Badan Kuer, wife of Late Rewati Raman Singh, Resident of village- Kothia, Post Offic- Gaini, Police Station- Obra, District- Aurangabad.
 14. Dewanti Devi, wife of Ravindra Chaudhari, daughter of Late Rewati Raman Singh, resident of village- Baligaon, Post Office, Rajandih, Police Station- Rajpur, District- Rohtas.
 15. Mostt. Bachani Kuer, wife of Brij Bihari Singh, All residents of village- Kothia, Post Office-Gaini, Police Station- Obra, District- Aurangabad.

.... Petitioners

Versus

1. Kamla Singh
2. Vijay Singh alias Ranvijay Singh
3. Ajay Singh All sons of Late Inder Singh alias Indradeo Singh All residents of village- Makhara, Police Station Daunnagar, district- Aurangabad, at present village- Gaini, Police Station- Khudwan, District- Aurangabad.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Shiv Kumar Dwivedy

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO

ORAL ORDER

3 02-05-2016

By the impugned order dated 30.01.2015, the learned Adhoc Additional District Judge-II, Aurangabad in Probate Case No. 39 of 2012/09 of 2014 only allowed the intervention application filed by the respondents recording finding that it appears that the respondents have got some interest in the property covered under the will.

From perusal of the impugned order, it appears that the Court below after considering the submissions of the parties and considering the fact that earlier the Title Suit was filed by the petitioners against the father of the interveners which was dismissed by Subordinate Judge, Aurangabad on 14.03.2012, held that the interest of the intervener/caveator in the property mentioned in the probate case cannot be ruled out. It is settled principles of law that any interest however slight and even bare possibility is sufficient to entitle a person to enter a caveat in probate proceeding. Accordingly, the learned Court below has allowed the intervention application.

In view of the above factual position and settled principles of law, it cannot be said that there is jurisdictional error or that the order passed by the Court below is not in the manner permitted by law nor it occasioned failure of justice. Therefore, in

my opinion, it is not a fit case for interference in supervisory jurisdiction. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Mishra/-

U		T	
---	--	---	--