

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10813 of 2015

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Uday Gupta @ Uday Prakash Gupta & Anr

.... Petitioner/s

Versus

Om Prakash Gupta & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 27-04-2016 Heard the learned counsel, Mr. Ajay Kumar Sinha for
the petitioners.

It appears that the learned Court below by the order dated 25.03.2015 rejected the application filed by the petitioner under Order VII Rule 11 C.P.C. in Letters of Administration Case No.609 of 2014.

From perusal of the application, under Order VII Rule 11 C.P.C., it appears that the only point raised by the petitioner is that the Letters of Administration case is barred by Indian Succession Act, 1925. Further, from perusal of the application, it appears that the other points raised by the petitioner relate to the merit of the case i.e. merit of the probate case filed by the respondent. No further ground has been raised for rejection of the application under Section 278 of the Indian Succession Act.

So far bar under Indian Succession Act, 1925 is

concerned, except the statement, nothing is there specifying as to how the application is barred under the Indian Succession Act. Where is the bar created in any provision of Indian Succession Act has not been stated. In my opinion, therefore, the Court below has rightly rejected the application.

Thus, I find no reason to interfere with the impugned order. Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Saurabh/-

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