

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8053 of 2015

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Uday Shankar Singh

.... Petitioner/s

Versus

Kitabuddin Gaddi & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 24-02-2016

Heard learned counsel Mr. Murari Narain Choudhary.

This application under Article 227 of the Constitution of India is directed against the order dated 13.11.2014 passed by District and Sessions Judge, Gopalganj in Miscellaneous Case No. 87 of 2014, whereby the Court below has rejected the application filed by the petitioner to hear Probate Case No. 42 of 2012 and Title Suit No. 264 of 2010 analogously.

Learned counsel for the petitioner relying on the decision of the Supreme Court reported in **(2005) 12 SCC 505**, submitted that on the basis of this decision this Court i.e. High Court had earlier directed the Court below to hear both the suits together but the Court below has rejected this prayer.

Perused the order passed by this Court in C.W.J.C No. 21818 of 2013 and perused the impugned order also. From perusal of the order, it appears that the District Judge found that the house

at Muzaffarpur is the property covered by the Will for which Probate Case has been filed and that property is not the subject matter in Title Suit No. 264 of 2010. So far this finding is concerned, it is pure finding of act.

So far direction of this Court as submitted by the learned counsel for the petitioner is concerned, it appears that only liberty was granted.

In such view of the matter, I do not find any reason to exercise supervisory jurisdiction under Article 227 of the Constitution of India.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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