

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13805 of 2014

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1. Shanti Devi wife of Late Bhagirath Singh, resident of village Daulachak, P.S. Kashichak, District Nawada.

.... Petitioner/s

Versus

1. Smt. Shaila Devi wife of Rampadarath Singh resident of village Daulachak, P.S. Kashichak, District Nawada

2. Most. Kamesh Devi wife of Late Krishndeo Singh resident of village Daulachak, P.S. Kashichak, District Nawada

3. Padarath Singh son of Late Brahamadeo Singh resident of village Daulachak, P.S. Kashichak, District Nawada

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan Kumar, Adv
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 27-09-2016

Heard learned counsel for the petitioner.

By the impugned order the learned court below has rejected the prayer made on behalf of the petitioner for abatement of the probate proceeding.

From the submissions as well as on perusal of the materials on record, it is evident that the Opposite Party No. 1 Bhagirath Singh died during the pendency of the proceeding but Opposite Party No.2 his wife was already on record and in such



circumstance there was no scope of the abatement of the proceeding, as his estate, was represented by his wife who is already on record. This Court therefore, does not find any illegality in the impugned order.

The application is, accordingly, dismissed.

(V. Nath, J)

Ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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Transmission Date	N.A.

