

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9435 of 2014

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1. Madan Kumar Singh
2. Ajay Kumar Singh Both are sons of Bindeshwari Singh
3. Bindeshwari Singh S/O Late Kali Singh, All are residents of village- Karsahiya
Tola, Bakarihari, P.O. Laukhan, P.S. Dhaka, Distt. East Champaran

.... Petitioners.

Saroj Devi W/o Ramashankar Singh, Village- Karasahiya, Tola Bakarihari, P.O.-
Laukhan, P.S. Dhaka, Distt.- East Champaran

.... Respondent.

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 10-05-2016

V.Nath, J.

Heard the learned counsel for the petitioners.

The defendant in the suit has filed this application under Article 227 of the Constitution of India questioning the legality of the order by which the learned court below has stayed the further proceeding of the suit till the disposal of the probate case.

It appears from the order sheet that the suit was filed by one Panna Kuer as plaintiff. However, after the death of Panna Kuer her legatee on the basis of the will dated 01.10.2003 filed the petition for substitution in place of the deceased plaintiff. By order dated 20.02.2004 the prayer of the legatee Saroj Kumari was allowed and she was substituted in place of the deceased sole plaintiff on the condition that she would not claim any right until the grant of probate

of the will on the basis of which she had claimed her entitlement. The learned court below thereafter has stayed the further proceeding of the suit till the disposal of the probate case.

The learned counsel appearing for the petitioner has submitted that the impugned order may give rise to the multiplicity of the proceeding and therefore is not sustainable. No other submission has been made on behalf of the petitioners.

After considering the materials on record and submissions on behalf of the petitioners, this Court does not find any reason to interfere with the impugned order in exercise of jurisdiction under Article 227 of the Constitution of India.

The application is, accordingly, dismissed.

(V. Nath, J)

Nitesh/-

AFR/NAFR	NAFR
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