

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7802 of 2015

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1. Gajadhar Rai, son of Late Jhpsi Rai, Resident of village- Parsauni Parwal Patti, P.O. Karnaul, P.S. Sahebganj, District -Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Muzaffarpur.
2. Kabindra Rai, son of Late Jagdish Rai, Resident of village- Pratap Patti, P.O. Karnaul, P.S. Sahebganj, District-Muzaffarpur.
3. Mahanth Yogendra Das, son of Ramashish Das, Resident of village- Gokhula Pandeh, P.O Gokhula, P.S. Paroo, District -Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chandan

For the Respondent/s : Mr. Sandeep Kumar (Ga8)

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO

ORAL ORDER

2 08-04-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The learned Ad-hoc Additional District Judge-I, Muzaffarpur, by order dated 24.07.2014, refused to mark the Will as exhibit in the loss of administration case no. 05 of 2004.

From perusal of the impugned order it appears that the court below considering Section 63(c) of the Indian Succession Act held that for proving the Will attesting witness must be examined and if there is no attesting witnesses the alleged will not be proved and in the present case the document in question is not attested by two witnesses. In view of the above finding of the court below in my opinion no case for interference supervisory

jurisdiction is made out.

Thus this writ application is dismissed.

(Mungeshwar Sahoo, J)

siddharth/-

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