

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.11053 of 2013**

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Smt. Shakuntala Devi Wife Of Mritunjay Singh Residing At Village- Nad,  
Police Station- Sheo Sagar, District- Rohtas.

.... .... Petitioner/s

Versus

1. Ram Karan Singh Son Of Late Hiranman Singh Residing At Village-  
Kumhau, Post Office- More Sarai, Police Station- Sheo Sagar, District-  
Rohtas.
2. Mostt. Rajwanti Kuer Wife Of Late Ram Adhin Singh, Residing At  
Village- Kumhau, Post Office- More Sarai, Police Station- Sheo Sagar,  
District- Rohtas.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Dhanendra Choubey, Adv.

For the Respondent/s : Mr. Jitendra Kr. Singh, Adv.

Mr. Umesh Narayan Dubey, Adv.

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**CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI**  
**ORAL ORDER**

3      09-09-2016                      Heard learned counsel for the petitioner as well as  
learned counsel for the respondents.

While filing petition for probate presence of  
petitioner was kept behind curtain who happens to be daughter of  
alleged testator of the will. That being so, the persons having  
interest in the property of the deceased was purposely as well as  
intentionally been directed to be kept out of litigation so that they  
would not challenge the veracity, genuineness of the will in  
question. In terms of Section 283(c) of the Succession Act citation  
is to be effected to permit all those persons who have had interest  
in the property left by the deceased to come and see the

proceeding of the probate or the letter of administration. By her absence, petitioner has been deprived of to see the proceeding and further, so felt aggrieved thereby, filed an objection. Mere presence of mother, is not going to satisfy the requirement. Side by side, it is to be held that under the letter of administration/probate, the share of the party is not being involved rather genuineness of the document is to be seen.

That being so, order impugned could not be held to be passed on sound legal principle whereupon is set aside. Petition is allowed.

**(Aditya Kumar Trivedi, J.)**

Prakash Narayan

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