

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1503 of 2016**

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Sunil Kumar

.... Appellant/s

Versus

Kumar Gaurav & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashok Kumar

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO**

ORAL ORDER

3 13-01-2017 Heard the learned senior counsel, Mr. Hemendra Prasad Singh for the petitioner and the learned counsel, Mr. M.P. Bharti for the respondent.

Perused the impugned order dated 27.04.2016 passed by Addl. District Judge VII, Patna in Title Suit No.8 of 2008 arising out of Probate Case No.128 of 2007 whereby the learned Court below rejected the application filed by the petitioner under Order 1 Rule 10 CPC for being added as party in the probate case.

It appears that the petitioner's father is a party in the probate case and, therefore, according to law in presence of the father, the son has no interest in the property which is the subject matter of Will. The learned Court below has, therefore, rightly held that the petitioner is not an heir as such has no cavatable interest in the property covered in the Will. .

Thus, I find no reason to interfere with the impugned order



in exercise of supervisory jurisdiction. Accordingly, this Civil
Misc. application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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