

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16261 of 2013

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Ramawati Devi Daughter Of Jag Narayan Sharma, Wife Of Deoki Sharma Resident Of Mohalla - Ara Nawada, P.S.- Ara Nawada, District - Bhojpur, At Present - Resident Of Jamaluddinchak, P.O. - Khagaul, P.S. - Danapur, District - Patna

.... Petitioner/s

Versus

1. Indrawati Devi Wife Of Govind Mistry, Daughter Of Jag Narayan Sharma At Present Resident Of Jairam Bazar, Khagaul, P.S. - Danapur, District - Patna
2. Anuradha Devi Wife Of Banarsi Sharma, Daughter Of Jag Narayan Sharma Resident Of House No. 157, Pocket D/17 Sector - 3, Rohini, P.S. - Rohini, Delhi 85.
3. Prabhu Dayal Vishwakarma Son Of Late Motilal Sharma
4. Ravindra Kumar Vishwakarma Son Of Prabhu Dayal Vishwakarma both Resident Of Quarter No. 154/2/1 Choti Govindpur, Housing Colony, P.S. - Govindpur, District - Jamshedpur, Jharkhand.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Aditya Narayan Singh-1, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 06-02-2017

Heard Mr. Aditya Narayan Singh, learned counsel for the petitioner.

The petitioner who is the plaintiff in the suit is aggrieved by the impugned order by which the learned court below has stayed the further proceeding of the suit till the decision of the probate case pending between the parties relating to the will with regard to the properties involved in the suit.



After considering the submissions and material on record, it does not appear that in the facts and circumstances where the grant of probate would have a direct bearing upon the claim of the parties as made in the suit, the learned court below has exercised its discretion in the arbitrary manner in passing the impugned order. The fact is admitted on behalf of the petitioner that the probate case is pending for grant of the probate of the will executed in favour of the contesting defendants by the parents of the plaintiff and the contesting defendants with regard to the properties in the suit. In this backdrop, this Court has not been persuaded to hold that the impugned order is perverse or unreasonable in any manner justifying the interference under Article 227 of the Constitution of India.

The application is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

AFR/NAFR	
CAV DATE	
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