

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.376 of 2017

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Bachchi Devi, Wife of Lakshmi Rai, Resident of Village-Sheohar Tole-
GaneshPur, Ward No. 15, P. S. Sheohar, District-Sheohar

.... Petitioner

Versus

Kavita Devi, Wife of Om Prakash Rai, Resident of Village- Parsauni Baij,
P.S. Piprahi, District-Sheohar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Devendra Kumar, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

4 24-04-2017

Heard learned counsel for the petitioner.

The petitioner is an objector in a probate case and is aggrieved by the order, whereby the court below has allowed the prayer of the applicant for examination of the signature of the testator appearing on the WILL with the admitted signature by handwriting expert, and further by the order by which the prayer of the petitioner for review of the said order has been rejected.

After considering the submissions made on behalf of the petitioner and the materials on record, it is evident that the crucial issue in the probate proceeding is genuineness of the WILL, in question, which has been disputed by the present petitioner as objector. The applicant in the probate case has filed the petition for examination of the signature of the testator as appearing on the WILL with his admitted signature by



handwriting expert and the said prayer has been allowed by the court below by order dated 06.10.2013. The petitioner filed a review petition, thereafter, which has also been dismissed by the subsequent order dated 26.09.2016.

This Court does not find that the learned court below has committed any illegality in allowing the prayer of the applicant for examination of the signature of the testator as appearing on the WILL with his admitted signature by a handwriting expert, as the same is only by way of an evidence in the proceeding and is material for determination of the crucial issue in the suit.

This Court thus is not inclined to invoke its jurisdiction under Article 227 of the Constitution of India for interdicting the impugned order.

The petition is, accordingly, dismissed.

(V. Nath, J.)

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