

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.928 of 2017

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1. Jagdish Prasad

2. Ram Kumar Prasad

Both Sons of Late Sita Ram Raut @ Sitai Prasad, Resident of Village- Santnagar,
P.S. Bhairabsthan, District Madhubani.

3. Dukhi Devi @ Bhukhani Devi, D/o Sita Ram Raut @ Sitai Prasad, Wife of Ram
Sundar Raut, Resident of Mohalla- Vinodnagar, Mandabali, Delhi- 92.

.... (Applicant)....Petitioners

Versus

1. Shibjee Prasad

2. Arun Chaurasia

3. Shibnath Prasad

All Sons of Late Kari Prasad, Resident of Village- Santnagar, P.S. Bhairavasthan,
District Madhubani.

.... (Opposite Parties).....Respondents

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Appearance :

For the Petitioners : Mr. Ganpati Trivedi, Sr. Adv.
Mr. Manoj Kumar, Adv.
Mr. Ravindra Kr. Sinha, No.2, Adv.
Mr. Madan Mohan, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT & ORDER

Date: 15-11-2017

The petitioners are aggrieved by an order, dated
23.03.2017, passed by the learned Additional District Judge-VII,
Madhubani, in Probate Case No. 26 of 2006, whereby, he has



rejected an application filed by the petitioners for exhibiting certain documents, referred to in this application.

2. Mr. Ganpati Trivedi, learned Senior Counsel, appearing on behalf of the petitioners, has submitted that the only ground, which has been referred to in the impugned order, for rejection of the petitioners' application for exhibiting the documents is that at the belated stage of the case, when it was fixed for final argument, the said documents could not be taken in evidence as exhibits. He submits that this could not be a valid ground for rejection of the petitioners' application, the documents being the certified copies of the sale-deeds.

3. I do not intend to interfere with the impugned order for the sole reason that the petitioners have not been able to satisfy this Court, as to how the said documents, sought to be exhibited, would be relevant or shall have bearing on decision in the probate case in which case the only point which needs determination is as to whether the Will has been executed properly or not.

4. Learned Senior Counsel, appearing on behalf of the petitioners, has submitted that in the Will, those properties have been mentioned which had already been partitioned and do not belong to the objectors.



5. This dispute of this nature can be the subject matter of any other proceeding, but not in a probate proceeding.

6. This application has no merit and is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	16.11.2017
Transmission Date	N/A

