

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25095 of 2013

=====

Umrawati Devi, wife of Ram Kumar Mahto, resident of village-Chegha,
P.S. Ara (M), District – Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through D.M., Bhojpur (Ara)
2. General Public & Others

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Om Prakash Upadhyay, Advocate

For the Respondent/s : Mr. Ravi Ranjan, A.C. to S.C. 22

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 07-12-2017 This application has been filed to quash the order dated 06.08.2013 passed by learned District Judge, Bhojpur at Ara in Title Suit No.08 of 2010 whereby and whereunder the petitioner was directed to deposit the duty money in a case filed under Section 379 (1) of the Indian Succession Act.

2. Heard learned counsel for the petitioner as well as the respondent.

3. It appears that the petitioner filed a case for grant of probate on the file of District Judge, Bhojpur at Ara. The learned District Judge on 23.05.2012 directed the petitioner to deposit duty money by 09.07.2012. The learned counsel for the petitioner submits that the learned District Judge has already called for a report from the Collector as regards the valuation of property in suit. The petitioner filed a petition praying therein to permit her to



file duty money after disposal of the case. The court below rejected the prayer in view of the provision of Section 379(1) of the Indian Succession Act. The provision of Section 379(1) runs as follows:-

“Every application for a certificate or for the extension of a certificate shall be accompanied by a deposit of a sum equal to the fee payable under the Court-Fees Act, 1870 (7 of 1870), in respect of the certificate or extension applied for.”

4. Thus, in view of above provision, the petitioner was required to deposit the duty money along with application. The court below has rightly rejected the petition and directed the petitioner to deposit duty money.

5. In view of the above facts and circumstances, I do not find any illegality in the impugned order requiring any interference. Accordingly, this writ application is dismissed.

(Sanjay Kumar, J)

Harish/-

U			
---	--	--	--

