

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.943 of 2017

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Girja Devi @ Girja Kunwar, wife of Late Sant Vilas Prasad Srivastava, resident of
Village- Harakhua, P.S.- Gopalganj, District- Gopalganj.

.... Opposite Party No. 1/Petitioner
Versus

1. Haliwant Prasad,
2. Shaligram Prasad,
3. Ram Niranjana Prasad,
- All sons of Late Sheo Mohan Prasad.
4. Ravi Kumar Sinha, son of Late Ram Ratan Prasad.
5. Lallan Prasad Verma, son of Late Balram Prasad.
6. Anil Kumar Srivastava,
7. Ashok Kumar Srivastava,
- Both sons of Late Mahesh Kumar Srivastava.
8. Nirmal Kumar Srivastava,
9. Ravindra Kumar Srivastava,
10. Rajesh Kumar Srivastava,
- All son of Late Pashpatinath Srivastava.
11. Shardanand Srivastava,
12. Radheshyam Srivastava,
13. Hari Sharan Prasad,
14. Anjani Kumar Srivastava,
- All sons of Late Raj Narain Prasad, all resident of Village- Jaijor, P.S.- Aandar,
District- Siwan.

.... Applicants/Respondents-1st Set

15. Radheshyam Prasad, son of Late Hira Prasad, resident of Village Chajawa, P.S.-
Aandar, District- Siwan.
16. Chandeshwar Prasad,
17. Ramaiya Prasad,



18. Munna Prasad,

19. Rakesh Kumar,

All sons of Late Surajdeo Prasad, resident of Village- Rajanpura, P.S.- M.H. Nagar,
District- Siwan.

20. Harish Prasad,

21. Raman Kumar,

Both sons of Sheonath Prasad.

22. Sheonath Prasad, son of Late Surendra Prasad.

All resident of Village- Kaithwalia, P.S.- Sasamusa, District- Gopalganj.

.... Applicants/Respondents-2nd Set

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Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 13-09-2017

The petitioner is aggrieved by an order, dated 07.03.2017, passed in Probate Case No. 26 of 2013, whereby, the court of learned 1st Addl. Sessions Judge, Siwan, has rejected an application, dated 10.01.2017, filed on her behalf.

2. To appreciate the controversy in brief, certain facts are to be taken note of.

3. The Probate Case No. 26 of 2013 has been filed by the respondents-1st set before the court below for obtaining a



Probate/Letters of Administration with respect to the properties mentioned in the Will. The petitioner, who is opposite party No. 1 in the said probate case, appeared through *Vakalatnama*. Since there was no representation on behalf of the petitioner, on 20.05.2015, when the matter was called, the court below decided to proceed in the matter *ex-parte*. The petitioner, thereafter, filed an application on 20.06.2016, seeking recall of the said order, dated 20.05.2015, whereby, the court below had decided to proceed *ex-parte*. The court below dismissed the said application for recall on 25.10.2016, since the application was not supported by any affidavit. The petitioner again filed an application on 03.12.2016, seeking recall of the order, dated 25.10.2016, which was earlier passed by the court below, which application has been dismissed by the court below with an observation that the petitioner is deliberately attempting to delay disposal of the probate case.

4. I find valid reason in the observation made by the court below in the impugned order. The petitioner did not challenge any of the orders passed by the court below including the order whereby the court below had decided to proceed in the matter *ex-parte*. The Court notices the manner in which the case



on behalf of the petitioner was being conducted before the court below. The impugned order suffers from no illegality.

5. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	15.09.2017
Transmission Date	N/A

