

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.630 of 2018

Rajiya Khatoon, of Quamaruddin, resident of Village- Balmikinagar, P.S.-
Balmikinagar, District- West Champaran.

... .. Appellant/s

Versus

1. Smt. Parvati Devi, wife of Munnilal Prasad, resident of Village- Kasba Balmikingar, Tola- Bisaha, P.O.+ P.S.- Balmikinagar, District- West Champaran.
2. Munnilal Prasad, son of Late Chhathu Kurmi, resident of Village- Kasba Balmikingar, Tola- Bisaha, P.O.+ P.S.- Balmikinagar, District- West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 06-12-2018 Heard the learned counsel for the petitioner.

The petitioner has filed this Civil Misc. petition against the order dated 07.03.2018 passed by learned District Judge, West Champaran, Bettiah in Probate Case No. 31 of 2015 by which the petition of the petitioner filed Under Order I Rule 10(2) of the Code of Civil Procedure for impleading her as objector in Probate case has been dismissed.

Learned counsel for the petitioner submits that petitioner purchased a piece of land from Jaidin Quasim on 18.09.1966 and Jaidin Quasim delivered the possession of the land to the petitioner. The aforesaid land is also included in the will said to have been executed by Chhathu Kurmi. It is



submitted that petitioner filed Title Suit No. 125 of 2016 for declaration of title on the basis of sale deed executed by Jaidin Quasim and the petitioner is necessary party in the probate case but I do not find any substance in the submission of learned counsel for the petitioner as in the probate case the genuineness of will of Chhathu Kurmi is subject matter. The petitioner is not related to Chhathu Kurmi. The petitioner has already filed Title Suit No. 125 of 2016 for declaration of title for a part of land alleged to have been purchased by her through an unregistered sale deed and by virtue of such unregistered sale deed the petitioner cannot be allowed to object the will alleged to have been executed by Chhathu Kurmi. Thus, I find that learned District Judge has rightly rejected the petition of the petitioner for impleading her as objector in the probate case.

Having considered the facts aforesaid, I do not find any merit in this Civil Misc. petition and the same is, accordingly, dismissed.

(Prabhat Kumar Jha, J)

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