

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20255 of 2014

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Smt. Grija Devi Wife of Sri Raj Keshwar Paswan and daughter of Late Neman Dusadh, resident of village- Latta, P.O. Latta, P.S. Pauthoo, District- Aurangabad at presently residing at Naihar, Village- Padrawan, P.O. Padrawan, P.S. Jamhore, District- Aurangabad (Bihar).

.... Petitioner

Versus

Arti Devi daughter of Ganauri Paswan, resident of village Rauda Post Esmaelpur Station, P.S. Konch, District Gaya and Sasural residence at Village Karmahi, Post Tarari, P.S. Daudnagar, District Aurangabad.

.... Respondent

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Appearance :

For the Petitioner/s : Mr. Anil Kr Singh No. 6, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 16-08-2018

This writ application has been filed by the petitioner of Probate Case No.24 of 2012/04 of 2013 pending in the court of Ad-hoc Additional District Judge II, Aurangabad for quashing the order dated 26.07.2014 whereby and whereunder one Arti Devi has been impleaded as party to the said probate case.

2. Heard learned counsels for the petitioner and the respondent.

3. It appears that the above probate case has been filed by the petitioner on the basis of registered deed of Will executed by her



father Neman Dusadh on 29.05.2001. The respondent having come to know about the pendency of the said probate case appeared and filed petition for impleading her as party to the suit. According to the respondent, the said Neman Dusadh died leaving behind a son Satya Narayan Paswan, who died leaving behind the respondent Arti Devi and so she is necessary party to the said probate case. She has further alleged that the registered deed of Will is a forged document and it was not executed by the testator in sound state of mind. Apprehension of the petitioner is that the intervener is claiming title on the basis of inheritance, who is a stranger to the family of the petitioner. Her elder brother Satya Narayan Paswan died unmarried at the age of seven years and so the petitioner is only legal heir of her father.

4. In the case in hand, I find that the dispute for adjudication is as to whether the registered deed of Will executed by testator in favour of petitioner is genuine, legal and valid. The objection of the respondent as regards heirship cannot be decided in a probate case. The court below has impleaded her as party to the suit and she claiming to be heir has right to raise objection as regards genuineness of the document in question.

5. In view of above discussions, I find that the court below has not committed any jurisdictional error in impleading the



respondent as party to the suit. This writ application is devoid of merit and is, accordingly, dismissed.

(Sanjay Kumar, J)

Harish/-

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CAV DATE	
Uploading Date	21.08.2018
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