

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Revision No.5 of 2014

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Rajesh Ram, Son of Late Raj Narayan Ram @ Raj Narayan Chamar, Resident of Village + P.O. Jiwpur, P.S. Jamania, District Gajipur (U.P.)

... .. Defendant/Opposite Party/Petitioner
Versus

1. Garajan Chamar, Son of Late Bansh Narayan Chamar, Resident of Village Ghorasara, P.S. + P.O. Ramgarh, District Kaimur

... .. Opposite Party 1st Set

2. Mahendar Kohar, Son of Ramjee Kohar

3. Surinder Kohar, Son of Ramjee Kohar

4. Manoj Kohar, Son of Ramjee Kohar

5. Ram Murat Kohar, Son of Late Sri Narayan Kohar

6. Kalawati Kuer, Wife of Late Sri Narayan Kohar

All residents of Village Gorasara, P.S. + P.O. Ramgarh, District Kaimur (Bhabhua)

... ..Opposite Parties 2nd Set

7. Binod Chamar, Son of Ramjee Kohar

8. Deepak Chamar, Son of Ramjee Kohar

All residents of Jivpur, P.S. Jamunia, District Gajipur, U.P., Present Address at Alipur, P.O. Darwan, P.S. Ramgarh, District Kaimur.

9. Lalita Devi, Daughter of Late Raj Narayan Chamar, Wife of Shiv Muni Ram, Resident of Village + P.O. Jivpur, P.S. Jamunia, District Gajipur, U.P., Present Address at Village Gopalpur, P.O. Reotipur, P.S. Shohwal, District Gajipur, U.P.

10. Kanta Devi, Daughter of Late Raj Narayan Chamar, Wife of Bechu Ram, Resident of Village + P.O. Jivpur, P.S. Jamunia, District Gajipur, U.P., Present Address at P.O. Ushia, P.S. Dildarnagar, District Gajipur, U.P.

11. Sharda Devi, Daughter of Late Raj Narayan Chamar, Wife of Ram Lal Ram, Resident of Village + P.O. Jivpur, P.S. Jamunia, District Gajipur, U.P., Present Address at Ushya, P.S. Jamanaia, District Gajipur, U.P.

... ..Opposite Parties 3rd Set

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Appearance :

For the Petitioner/s : Mr. Dr. Anshuman

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

9 28-11-2018

Heard the learned counsel for the petitioner.

The petitioner has filed this civil revision petition against the order dated 12.04.2013, passed by the learned Sub-Judge-I, Kaimur in Misc. Case No.24 of 2012 by which the petition of the petitioner for reviving Misc. Case No.46 of 1998



has been dismissed.

Learned counsel for the petitioner submits that one Probate Case No.43 of 1997 was filed and the letter of administration was issued but one Tulsi Kohar and others filed Misc. Case No.46 of 1998 for revocation of the letter of administration but on account of non-prosecution of Misc. Case No.46 of 1998 the same was dismissed on 15.01.2011. The petitioner was not one of the petitioners of Misc. Case No.46 of 1998 but the petitioner filed petition for reviving Misc. Case No.46 of 1998 and the learned Sub-Judge dismissed the petition of the petitioner for restoration of Misc. Case No.46 of 1998 on the ground that the miscellaneous case cannot be restored at the instance of such a person who was not petitioner in the aforesaid case.

Learned counsel for the petitioner submits that petitioner was opposite party in the aforesaid case and his interest is directly involved in the case but I do not find any merit in the submission of the learned counsel for the petitioner. The learned Sub-Judge has rightly dismissed the miscellaneous case for restoration of Misc. Case No.46 of 1998 on the ground that petitioner was not one of the petitioners of Misc. Case No.46 of 1998. If the petitioner is at all aggrieved for issuance



of letter of administration, the petitioner may file revocation of
letter of administration in accordance with law, if maintainable.

Accordingly, this civil revision petition is dismissed
as de void of merit.

(Prabhat Kumar Jha, J)

S.KUMAR/-

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