

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CIVIL MISCELLANEOUS JURISDICTION No.823 of 2017**

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1. Deoraj Dubey, Son of Late Rajnath Dubey,  
2. Sri Niwas Dubey Son of late Rajnath Dubey, Both Resident of Village-  
Tetary, P.O.- Mamrejpur, Police Station- Chenari, District- Rohtas.

.... .... Appellant/s

Versus

1. Dulari Devi , W/o Sri Ayodhya Dubey, Resident of Village-Tetary, P.O.-  
Mamrejpur, Police Station- Chenari, District- Rohtas.  
2. Kamlesh Dubey, Son of Late Ram Surat Dubey,  
3. Bindhyachal Dubey, Sons of Late Ram Surat Dubey, Both Resident of  
Village- Tetary, Post Officer Mamrejpur, Police Station-Chenari, District-  
Rohtas.  
4. Parbati Devi, W/o Rampujan Chaubey, Resident of Village- Dadion,  
Police Station- Sahar, District- Kaimur.  
5. Kunta Devi , W/o Sri Niwas Pandey, Resident of Village- Ona, Police  
Station- Kundra, District- Kaimur.  
6. Sunaina Devi, W/o Hari Shankar Shukla, Resident of Village- Sonbarsa,  
Police Station- Belaon, District- Kaimur.  
7. Naintara Devi, W/o Prayag Tiwary, Resident of Village- Belaon, Police  
Station-Belaon, District- Kaimur.  
8. Mantu Dubey, Sons of Late Ram Ayodhya Dubey,  
9. Tuntun Dubey, Sons of Late Ram Ayodhya Dubey,  
10. Rajgorihi Dubey , Son of Late Rajnath Dubey, Respondent No. 8 to 10  
are Resident of Village- Tetary, Post Office-Mamrejpur, Station-Chenari,  
District- Rohtas.

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Rajani Kant Singh  
For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR**  
**JHA**  
**ORAL ORDER**

2      18-09-2018

Heard the learned counsel for the petitioners.

The petitioners have filed this Civil Misc. petition  
against the order dated 16.02.2017 passed by the learned 7<sup>th</sup>  
Additional District Judge, Rohtas at Sasaram in Title Probate Case  
No. 7 of 2016 by which the petition of the petitioners for calling



for a valuation report from the Collector, Rohtas at Sasaram has been rejected.

The learned counsel for the petitioners submits that 2.89 acres of land is the subject matter of Probate case. The petitioners/ objectors of the Probate case filed written statement on which the Probate case was converted into Title Probate Suit No. 7 of 2016 and disclosed that the said property is worth more than Rs. 23 lacs but the learned court below erroneously rejected the petition of the petitioners.

I find that the learned Additional District Judge has considered the facts that the Probate case was filed in the year 2010 and on valuation the applicant of the Probate case deposited the court fee on 22.02.2013. The objectors/ petitioners filed petition for fresh valuation of the suit on 03.11.2016. Once the suit has been valued and the court fee is deposited, I find that the learned court below has rightly rejected the petition of the petitioners. Accordingly, I do not find any merit in this Civil Misc. petition and the same is dismissed.

**(Prabhat Kumar Jha, J)**

BKS/-

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