

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.959 of 2017

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Ajeet Prasad, Son of Upendra Prasad, Resident of Mohalla- Naya Tola,
Gumti No.1, Bhikanpur, P.S.- Ishakchak, District- Bhagalpur.

.... Petitioner

Versus

1. Sri Deepak Prasad, Son of Late Upendra Prasad,
2. Smt. Manju Shrivastava, Daughter of Late Upendra Prasad, Wife of Late Birendra Prasad Shrivastava, Resident of House No.5, Pragati Path, West Boring Canal Road, P.S.- Krishnapuri, P.O.- G.P.O., Patna, District- Patna.
3. Smt. Indua Sinha, Daughter of Late Upendra Prasad, Wife of Sri Satyendra Kumar Sinha, Resident of Urmilaangan Near Dasbhuji Asthan, Moghal Bazar, P.O.- HPO, Munger, P.S.- Kotwali, District- Munger.
4. Smt. Kiran Sinha, Daughter of Late Upendra Prasad, Wife of Sri Arun Kumar Sinha, Resident of Mohalla- Kabadi Gali, Kilaghat Road, P.S.- Tatarpur, P.O.- City Post Officer, District- Bhagalpur.
5. Smt. Reeta Sinha, Daughter of Late Upendra Prasad, Wife of Sri Ajay Kumar Sinha, Resident of Mohalla- Shastri Nagar, College Road, P.O.- HPO, P.S.- Kotwali, District- Sahebganj, Jharkhand.
6. Smt. Usha Prasad, Wife of Late Surendra Prasad, Resident of Mohalla- Naya Tola, Bhikhanpur, Gumti No.-1, P.S.- Ishakchak, District- Bhagalpur.
7. Saurabh Kumar, Son of Late Surendra Prasad, Resident of Mohalla- Naya Tola, Bhikhanpur, Gumti No.-1, P.S.- Ishakchak, District- Bhagalpur.
8. Alok Kumar, Son of Late Surendra Prasad, Resident of House No.-17, 18th Main, 7th Cross, BTM Stage 1, Bangalore.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar Sinha, Advocate
For the O.P. No. 1 : Mr. Ganpati Trivedi, Sr. Advocate
Mr. Madan Mohan, Advocate
Mr. Pallavi Pandey, Advocate
For the O.P. No. 7-9 : Mr. Ranjanj Kumar Jha, Advocate
Mr. Mirtyunjay Kumar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

7 01-10-2018

Learned counsel for the Opposite Parties is permitted
to make necessary correction at Page 12 in the counter affidavit.



The only ground on which the petitioner was seeking transfer of the Miscellaneous Case No. 07 of 2016 arising out of Probate Case No. 28 of 2015 was that the petitioner had certain grievances over the conduct of the proceeding before the learned Sub Judge – I –cum- A.C.J.M who was the In-Charge of the Court of the learned Chief Judicial Magistrate. The specific case is of loss of faith in the Court.

Learned counsel representing the Opposite Parties submits that this application has become infructuous because the learned Presiding Officer against whom the petitioner had certain grievance has already been transferred and is no longer presiding the Court in question. There is no other ground for seeking transfer of the case.

Considering the facts and circumstances of the case, since the only ground pleaded in the application is loss of faith but now that the learned Presiding Officer is not the In-Charge of the case in question, this application seems to have become infructuous and is disposed off, accordingly.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/Ved/-

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