

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.453 of 2016

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1. Smt. Sumitra Devi wife of Sri Mahendra Prasad, resident of Mohalla-Chhatar Darwaja, Ward No.6, P.O. and P.S.- Daudnagar, District-Aurangabad.

.... Appellant/s

Versus

1. Sri Mahendra Prasad son of Late Kedar Prasad resident of Mohalla-Chhatar Darwaja, Ward No.6, P.O. and P.S. Daudnagar, District-Aurangabad.
2. Surendra Prasad
3. Ashok Prasad Both sons of Late Kedar Prasad Both residents of Mohalla Chhatar Darwaja, Ward No.6, P.O. and P.S. Daudnagar, District-Aurangabad.
4. Most Bhagjogani Kuer wife of Late Bindeshwari Prasad
5. Ramji Prasad son of Late Bindeshwari Prasad Both resident of Mohalla-Chhatar Darwaja, Ward No.6/12, P.O. And P.S. Daudnagar, District-Aurangabad.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Kamendra Pd. Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

5 21-06-2018

Heard both sides.

The petitioner has filed this Civil Misc. petition against the order dated 01.04.2016 passed by Additional District Judge- III, Aurangabad in Probate Case No. 19/13/6/15 by which the learned Additional District Judge allowed the respondent Nos. 2, 3, 4 and 5 to be impleaded as party in the Probate case.

The respondents filed petition that respondent no.2 and 3 are the brothers of husband of Sumitra Devi, the legatee. The respondent Nos. 4 and 5 are also legal heirs and co-sharers of



husband of Sumitra Devi. On such the learned Additional District Judge allowed them to be impleaded as opposite parties in the Probate case vide order dated 01.04.2016.

The learned counsel for the petitioner submits that, of course, respondent No.2 and 3 are brothers of husband of petitioner but respondent Nos. 4 and 5 are distant relatives of the husband of petitioner but they have also been added as party in the Probate case.

It appears that respondent No.4 died during the pendency of this Civil Misc. petition. Respondent No.5 is son of respondent No.4 and this petition has already been dismissed against respondent No.4 for non compliance of peremptory order dated 09.03.2017. All the respondents are agnates of husband of the petitioner, therefore, I do not find any reason to interfere in the order impugned by which they have been made party in the Probate case. Accordingly, this Civil Misc. petition is dismissed.

(Prabhat Kumar Jha, J)

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