

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CIVIL MISCELLANEOUS JURISDICTION No.1000 of 2018**

Pradip Kumar Sur

.... .... Petitioner/s

Versus

Geeta Ghosh & Ors

.... .... Respondent/s

**Appearance :**

For the Appellant/s : Mr. Mukesh Kumar Jha

For the Respondent/s : Mr.

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

**ORAL ORDER**

2 21-08-2018

Heard learned counsel for the petitioner.

The petitioner has filed this civil miscellaneous petition against the order dated 08.06.2018 passed in L.A. Case No.22 of 2014 by which respondent No.3, Samiran Sur has been made opposite party and allowed to file objection in the probate case.

Learned counsel for the petitioner submits that the brother of the testator pre-deceased him and, therefore, son of the brother of the testator is not a necessary party but I find no force in the submission of the learned counsel for the petitioner. The testator died issueless and the petitioner is son of the pre-deceased brother of the testator. Therefore, the respondent No.3 happens to be close relative of the testator. Learned Additional Judge has rightly allowed him to be impleaded as opposite party in order to file objection.

Taking into consideration the facts aforesaid, I do not



find any illegality in the order dated 08.06.2018 passed by learned  
1<sup>st</sup> Additional District Judge, Purnea in L.A. Case No.22 of 2014.

Accordingly, this civil miscellaneous petition is  
dismissed.

**(Prabhat Kumar Jha, J)**

Saurabh/-

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