

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.157 of 2021**

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1. Meena Sinha Wife Of Late Hira Prasad Singh, resident of village Makhanaha, P.S. - Belsand, Dist. - Sitamarhi.
 2. Utkarsh Raj, Son of Late Hira Prasad Singh, resident of village Makhanaha, P.S. - Belsand, Dist. - Sitamarhi.
 3. Rupam Kumari, Daughter of Late Hira Prasad Singh and Wife of Sri Amit Ranjan alias Sonu Singh, resident of Village and P.S. - Bathanaha, Dist. - Sitamarhi.
 4. Shalini Anand, daughter of Late Hira Prasad Singh and Wife of Chandan Singh, resident of Village Panthpakar, P.S. Bathanaha, Dist. - Sitamarhi.
 5. Namrata Anand, daughter of Late Hira Prasad Singh and Wife of Raman Kumar, resident of Village Muradpur, P.S. Dumra, Dist. - Sitamarhi.

... .. Petitioners

Versus

1. Moti Prasad Singh, Son of Late Jagdish Prasad Singh, resident of village Makhanaha, P.S. - Belsand, Dist. - Sitamarhi.
2. Indu Devi, daughter of Late Jagdish Prasad Singh and Wife of Sri Jay Mangal Singh, resident of Village Janipur, P.S. Nanpur, Dist. - Sitamarhi.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Vaidehi Raman Prasad Singh
For the Respondent/s : Mr.Manoj Kumar No.1

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 06-12-2021 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners as well as learned counsel for the respondents.

The respondent No. 1 Moti Prasad Singh has filed a probate case No. 6/2008 for probate of the will deed dated



24.12.2004 executed by Most Jebar Kuer in favour of respondent No.1 Moti Prasad Singh. The father of the petitioner Nos. 2 to 5, Hira Prasad Singh who died during the pendency of the suit was contesting as Defendant No. 1. He challenged the genuineness and authenticity of the thumb impression of Most Jebar Kuer on the will deed. The impugned order shows itself that the learned court below has sent the will deed with the admitted thumb impression of the Most Jebar Kuer for expert opinion and expert opinion was received which is exhibit-4. After receipt of that report (exhibit-4) the expert was called for in the witness box. He was examined and cross-examined by the defendant.

After death of the Hira Prasad Singh, the original defendant, the petitioners were substituted and filed a petition for sending the document again for the expert opinion.

The learned court below vide a well-reasoned impugned order rejected the petition by considering all the facts including this, that the report had already been received and the expert has already been cross-examined by the defendant.

I do not see infirmity which is essential for intervention in the impugned order. Accordingly, this civil miscellaneous petition is dismissed.



Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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