

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.410 of 2017

In
Civil Writ Jurisdiction Case No.15650 of 2015

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Sita Ram Sao Son of Kanu Sao resident of Village and Mohalla - New Area
Bisar Talab, P.S. Civil Line, District - Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Dr. Gopal Chand Bhattacharya Son of Late Dwijinder Nath Bhattacharya
Resident of Flat No. 8407, Sector - C, Pocket - 8, Basant Kunj, New Delhi -
110070.
3. M.S.J. Bhattacharya Wife of Late Govind Bhattacharya Resident of 41B,
Big Bazar Street, Kolkata - 100003.
4. Abhijit Bhattacharya
5. Sanjeet Bhattachaya
6. Ranjet Bhattacharya All are sons of Late Govind Chand Bhattacharya
Residents of 103, Kutub View Apartment, 6th Floor, Katwariya Sarai, New
Delhi - 110016.
7. Indarani Bhattacharya
8. Nandni Bhattacharya Both daughters of Professor Somnath Bhattacharya
and Late Sandhya Rani Bhattacharya Resident of 41B, Big Bazar Street,
Kolkata - 100003.
9. Charu Chand Bhattacharya Son of Late Dwijinder Nath Bhattacharya R/o H
32 CIT Building and Christopher Road, P.S. Mentally Kolkata - 14, West
Bengal.
10. Amitabh Bhattacharya
11. Arunava Bhattacharya Both are sons of Charu Chand Bhattacharya Both are
R/o 30 Ke Pal Bhattacharya Road, 1st Lane 2nd Floor, Kolkatta - 700026.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bishwajeet Pandey
For the Opposite Party/s : Mr.Prabhat Kumar Verma Aag 3

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 26-08-2022

Heard the parties.

This application has been filed for restoration of
CWJC No. 15650 of 2015, which was dismissed for non-



prosecution vide order dated 22.06.2016.

For the reasons mentioned in this application, it is allowed and CWJC No. 15650 of 2015 is restored to its original file.

Re. CWJC No. 15650 of 2015

The writ petition has been filed for quashing/setting aside the order dated 16.04.2015 passed by the Additional District and Sessions Judge, Gaya by which he has dismissed Misc. Case No. 01 of 2012 filed for restoration of Probate Case No. 44 of 2008.

No illegality has been pointed out in the impugned order dated 16.04.2015. The will in favour of the respondents were probated and thereafter this petitioner has filed an application for restoration of the probate case. He was examined as a witness in the Misc. Case. 16 adjournments were granted but the petitioner did not appear on those dates. Moreover, when he was examined as a witness, he said that one, Santi Devi had filed the Probate Case but Santi Devi is not a party in the Probate Case.

The Court below directed for issuance of notice to the legal heirs of Prabodh Chandra Bhattacharya but the petitioner had not complied the order.



Considering the aforesaid facts and circumstances,
this application is dismissed.

(Sandeep Kumar, J)

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