

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CIVIL MISCELLANEOUS JURISDICTION No.13 of 2018**

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1. Sri Sanjeev Kumar @ Guddu Singh and Anr S/o Late Uma Nath Singh
2. Sri Rajeev Kumar @ Pinku Singh S/o Late Uma Nath Singh Resident of Mohalla - Jai Prakash Nagar, P.O. - Lohia Nagar, P.S. - Jakkanpuri, District - Patna Bihar and permanent resident of village - Akauna, P.O. - Akauna, P.S. Punpun, District - Patna.

... .. Petitioner/s

Versus

1. Smt. Sunita Singh and Ors W/o Sri Virendra Singh Resident of Village and P.O. - Funha, P.S. - Barhara, District - Bhojpur Bihar.
2. Smt. Anita Singh W/o Sri Randhir Singh Resident of Village and P.O. - Dahiwar, P.S. and District - Buxar Bihar.
3. Smt. Mundra Singh W/o Sri Suresh Singh Resident of Village and P.O. - Kasap, P.S. - Udwant Nagar, District - Bhojpur Bihar.
4. Smt. Rita Singh S/o Sri Biran Singh Resident of Village and P.O. - Barnaw, P.S. - Jagdishpur, District - Bhojpur Bihar.
5. Smt. Chamcham Singh W/o Sri Munmun Singh Resident of Village - Hetanpur, P.S. - Bihiyan, District - Bhojpur Bihar.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s     | : | Mr. Ashok Kumar, Advocate            |
| For the Respondent       |   |                                      |
| Nos. 1, 2, 4 and 5       | : | Mr. Brij Mohan Kumar Singh, Advocate |
| For the Respondent No.3: |   | Mr. Shailendra Kumar Jha, Advocate   |

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
ORAL ORDER

5      02-08-2022                      Heard Mr. Ashok Kumar, learned counsel for the petitioners, Mr. Brij Mohan Kumar Singh, learned counsel for the Respondent Nos. 1, 2, 4, 5 and Mr. Shailendra Kumar Jha, learned counsel for the Respondent No. 3.

The only question involved in this case is that as to whether the Sub Judge has original jurisdiction to decide the Letter of Administration Case No. 87 of 2005 by the petitioners.



Learned counsel for the petitioners submits that Letters of Administration Case No. 87 of 2005 has wrongly been transferred in the Court of learned Sub Judge- 2<sup>nd</sup>, Patna, treating it as Succession Case and since the Sub Judge has got no original jurisdiction to decide Letters of Administration Case, accordingly, application for transfer of the case before the competent Court, i.e. Court having original jurisdiction to decide Letters of Administration Case, was filed with a prayer that aforesaid Letters of Administration Case No. 87 of 2005 should be transferred to the District & Sessions Judge and/or Additional District and Sessions Judge.

From the impugned order it appears that the learned District & Sessions Judge, Patna, has accepted the contention of the petitioners that original jurisdiction to decide the Letters of Administration Case is before the District Judge and Additional District Judge but, at the same time the application for transfer filed by the petitioner under Section 24 of Civil Procedure Code has been dismissed. Another case has been filed by the Objector i.e. Title Partition Suit which is pending before the Sub Judge – 2<sup>nd</sup>, Patna.

With consent of the parties, the impugned order dated 05.12.2017 is set aside and Letters of Administration Case No.



87 of 2005 is directed to be transferred in the Court of learned District & Sessions Judge, Patna, from the court of learned Sub Judge-2nd, Patna, within a period of three weeks' from the date of receipt/production of a copy of this order.

In so far as Title Partition Suit filed by the Objector/Respondent is concerned, the same shall be decided by the Sub Judge, Patna.

With the aforesaid observation and direction, this application stands disposed of.

**(Anil Kumar Sinha, J)**

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