

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.465 of 2021**

1. Raj Kumari Devi @ Raj Kumari Singh @ Rajkumari W/o- Late Awadh Narayan @ Late Awadh Narayan Singh, R/o- MQ- 180, Sector- 02, N.C.L Jayant Project Road, Gopal Banas, Sidhi, P.S.- Vindhya Nagar, District- Singrauli, Madhya Pradesh.
2. Rahul Kumar Singh @ Rahul S/o- Late Awadh Narayan Singh R/o- MQ- 180, Sector- 02, N.C.L Jayant Project Road, Gopal Banas, Sidhi, P.S.- Vindhya Nagar, District- Singrauli, Madhya Pradesh.
3. Neha Kumari @ Neha D/o Late Awadh Narayan Singh R/o- MQ- 180, Sector- 02, N.C.L Jayant Project Road, Gopal Banas, Sidhi, P.S.- Vindhya Nagar, District- Singrauli, Madhya Pradesh.
4. Navneet Singh @ Navneet S/o- Late Awadh Narayan Singh R/o- MQ- 180, Sector- 02, N.C.L Jayant Project Road, Gopal Banas, Sidhi, P.S.- Vindhya Nagar, District- Singrauli, Madhya Pradesh.

... .. Petitioner/s

Versus

1. Most. Indrasan Devi W/o- Late Awadh Narayan Singh R/o Village- Baradhi, P.O.- Bhadwar, P.S.- Bagen Gola, District Buxar.
2. Durgawati Devi @ Durgawati Kumari D/o- Late Awadh Narayan Singh R/o Village- Baradhi, P.O.- Bhadwar, P.S.- Bagen Gola, District Buxar.
3. Northern Coal Field Limited (through Chief General Manager) N.C.L. Jayant Project Singrouli, District- Singrouli, Madhya Pradesh.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ajit Kumar Singh, Advocate Mr. Arvind Kumar Pradhan, Advocate
For the Respondent/s	:	Mr. Pawan Kumar Singh, Advocate
For Respondent No. 3	:	Mr. Vishwa Mohan Kumar Sinha, Advocate

**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT**

Date : 29-06-2022

Heard learned counsels for the parties.

2. In the present petition, petitioners have
prayed for following reliefs:-

“That the present application
is being filed for issuance of a writ in the
nature of Certiorari or an appropriate



writ/s, order/s or direction/s for quashing the order dated 22-3-21 passed by Learned Sub-Judge II, Dumraon in Succession Case No. 9/2015 whereby and where under petition dt. 23.06.17 filed by the petitioners under section 371 of the Indian Succession on the point of jurisdiction Act has been rejected by the learned court below without considering fact and circumstances of the case.

That the case of the defendants/ petitioners is that one late Awadh Narayan Singh S/o- Late Shiv Nath Singh late husband of the petitioner nos. 1 and father of the rest petitioners was working as an Electrician in N.C.L. Jayant Project Singrauli, Madhya Pradesh since 13-06-1983 and died on 01.10.2013 at N.C.L. Jayant, Singrauli, Madhya Pradesh in his service period and thereafter the said employer of the late husband of the petitioner nos. 1 found the petitioner nos. 1 and others petitioners name recorded in service book and other relevant documents and released amounts, towards Gratuity, G.P.F., G.I.C., Leave encashment and pension in petitioner's favour, thereafter the respondents 1st set has filed a Succession Case No. 9/2015 on 28/8/2015 before the learned court below claiming herself wife and daughter respectively for Gratuity, G.P.F., G.I.C., Leave encashment, Pension etc. of the late husband of the petitioner nos. 1 which is drawn for the services rendered by him, in the said case the defendants/ petitioners have appeared and filed objection petition dt. 26.10.16 denying case of the plaintiffs/ respondents 1st set, contesting that late husband of the petitioner nos. 1 died in Madhya Pradesh in service period and he spent his whole life in Singrauli Jayant, Sidhi, Madhya Pradesh and is resident of Singrauli, Madhya Pradesh,



thereafter the petitioners have filed a petition dt. 23.06.2017 questioning the ground of jurisdiction before the learned court below stating therein that late husband of the petitioner nos. 1 has spent his whole life with the petitioners in Singrauli, Madhya Pradesh as such as per section 371 of Indian Succession Act jurisdiction will lie only in Singrauli, Jayant, Madhya Pradesh and not in Buxar, Bihar but the learned court below ignoring all the facts and circumstances of the case rejected the said petition and decided this issue in favour of the respondents 1st set, in such circumstance your lordship may allow petition dated 23.06.2017 and further be pleased to quash the order dated 22-3-21 for avoid multiplicity of suits and effectively decide the real controversy between the parties for securing the ends of Justice.”

3. Order dated 22.03.2021 passed in Succession Case No. 09 of 2015 on the file of the Sub-Judge, Dumraon reads as under:

“Both parties have filed pairvi.

Heard both parties. Perused the record. Respondents filed Indian Succession Act 371 for perusal.

Applicant had filed order from Principal Judge family court, Ara where Rs. 25000/- for recovery was ordered by Hon’ble court against Awadh Narayan in person as such this court has got jurisdiction hence preliminary issue decided in favour of applicants.”

4. Learned counsel for petitioners submitted that jurisdiction lies to Buxar and not to Dumraon.



5. In view of the fact that concerned person was working in Buxar. Trial court has taken note of a litigation among the deceased Awadh Narayan in a Family Court, Dumraon case to contend that Succession Case No. 09 of 2015 is maintainable before Sub-Judge II at Dumraon court.

6. In the light of these facts and circumstances the aforesaid contention of the petitioners that Dumraon court has no jurisdiction cannot be apprised. Accordingly, the present petition stands dismissed.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	06.07.2022
Transmission Date	

