

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.144 of 2020

1. Most. Bachi Kuwar W/o late Saryug Singh, Resident of Village and P.O.- Kankul, P.S. Bankata, District- Deoria, Daughter of late Ramchandra Rai, R/o Village- Rajaram Thapha, P.S. Zeradai, District- Siwan.
2. Rudal Singh, Son of late Ram Narayan Singh, Resident of Village and P.O.- Chakwa Urf Bankula, P.S. Bankata, District Deoria, Uttar Pradesh, Nati late Ramchandra Rai, R/o Village and P.O.- Rajaram Thapha, P.S. Zeradei, District-Siwan.
3. Nagender Singh Son of late Ram Narayan Singh, Resident of Village and P.O.- Chakwa Urf Bankula, P.S. Bankata, District Deoria, Uttar Pradesh, Nati late Ramchandra Rai, R/o Village and P.O.- Rajaram Thapha, P.S. Zeradei, District-Siwan.

... .. Petitioner/s

Versus

1. Raj Kishore Singh son of late Ganga Sharan Singh, Resident of Village- Thehan Rajaram, P.O. Thapha Bazar, P.S. Ziradei, District- Siwan.
2. Kaushal Kishore Singh Son of late Ganga Sharan Singh, Resident of Village- Thehan Rajaram, P.O. Thapha Bazar, P.S. Ziradei, District- Siwan.
3. Badami Devi, D/o of late Ganga Sharan Singh, Resident of Village- Thephan Rajaram, P.O. Thapha Bazar, P.S. Ziradei, District- Siwan.
4. Kanti Devi, D/o of late Ganga Sharan Singh, Resident of Village- Thephan Rajaram, P.O. Thapha Bazar, P.S. Ziradei, District- Siwan.
5. Shanti Devi, D/o of late Ganga Sharan Singh, Resident of Village- Thephan Rajaram, P.O. Thapha Bazar, P.S. Ziradei, District- Siwan.
6. Shila Devi, D/o late Ganga Sharan Singh, Resident of Village- Thephan Rajaram, P.O. Thapha Bazar, P.S. Ziradei, District- Siwan.
7. Uday Pratap Singh, Son of Ram Bali Singh, Resident of Village- Thephan Rajaram, P.O. Thapha Bazar, P.S. Ziradei, District- Siwan.
8. Rana Pratap Singh, Son of Ram Bali Singh, Resident of Village- Thephan Rajaram, P.O. Thapha Bazar, P.S. Ziradei, District- Siwan.
9. Jay Prakash Singh, Son of Jagarnath Singh, Resident of Village- Thephan Rajaram, P.O. Thapha Bazar, P.S. Ziradei, District- Siwan.
10. Sanjay Singh, son of Rajendra Singh, Resident of Village- Thephan Rajaram, P.O. Thapha Bazar, P.S. Ziradei, District- Siwan.
11. Anuna Singh, Son of Rajendra Singh, Resident of Village- Thephan Rajaram, P.O. Thapha Bazar, P.S. Ziradei, District- Siwan.
12. Ranvijay Singh, Son of Suresh Singh Resident of Village- Thephan Rajaram, P.O. Thapha Bazar, P.S. Ziradei, District- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prashant Kashyap



For Res. Nos. 1-2 : Mr.Ashok Kumar
Mr.Sanjeev Kumar Singh
Mr. Ajay Kumar Singh
For Res. Nos. 3-12 : Mr. Umakant Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 29-09-2022 The petitioner no. 1 is the sister of the testator and
petitioner nos. 2 and 3 are the sons of another sister of the
testator, namely, Kaushalya Devi, who has died.

Learned Counsel for the petitioners submits that the
petitioners are the near relatives of the testator as well as
legatee. Accordingly, the submission is that they are necessary
parties being the near relatives of the testator and legatee, but by
a cryptic order, the learned Trial Court has refused to add the
petitioners as parties in the probate case.

Learned Counsel for the respondent nos. 1 and 2-
legatee submits that they have not been added as parties only
because the father of the testator had died prior to coming into
force of the Hindu Succession Act; whereas learned Counsel
for the petitioners submits that he had died in the year 1972.

Taking into consideration the fact that the petitioners
are the near relatives of the testator as well as legatee and the
fact that a cryptic order has been passed by the learned Trial
Court, accordingly, the impugned order, dated 09.12.2019,
passed by learned 4th Additional Sessions Judge, Siwan, in



Probate Case No. 22 of 2017, is set aside and the petitioners are directed to be added as parties in the probate case.

This application is allowed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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