

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVISION No.82 of 2023

1. Aatish Kumar Son of Late Ganga Prasad, resident of Gulab Bag, Ward No. 33, P.O. and P.S. - Bettiah, District - West Champaran.
2. Ashish Kumar, Son of Late Ganga Prasad, resident of Gulab Bag, Ward No. 33, P.O. and P.S. - Bettiah, District - West Champaran.

... .. Petitioner/s

Versus

1. Nawal Kishore Prasad Son of Late Murali Manohar Prasad, Resident of Gulab Bag, P.O. and P.S. - Bettiah, District West Champaran.
2. Smt. Nilam Verma, Wife of Late Ganga Prasad, resident of Gulab Bag, Ward No. 33, P.O. and P.S. - Bettiah, District - West Champaran.
3. Meena Kumar, D/o Late Ganga Prasad, resident of Gulab Bag, Ward No. 33, P.O. and P.S. - Bettiah, District - West Champaran.
4. Priti Kumari, D/o Late Ganga Prasad, resident of Gulab Bag, Ward No. 33, P.O. and P.S. - Bettiah, District - West Champaran.
5. Raju Prasad, Son of Urmila Devi, Wife of Late Shankar Prasad Sinha, resident of Dakbanglo Road, Bettiah, P.O. and P.S. - Bettiah, District - West Champaran.
6. Babloo Kumar, son of Urmila Devi, Wife of Late Shankar Prasad Sinha, resident of Dakbanglo Road, Bettiah, P.O. and P.S. - Bettiah, District - West Champaran.
7. Sachin Kumar, Son of Late Asha Devi Wife of Sashi Bhushan Prasad Verms, Resident of Village - Bagahi, P.O. and P.S. - Jogapatti, District - West Champaran.
8. Nitin Kumar, Son of Late Asha Devi Wife of Sashi Bhushan Prasad Verms, Resident of Village - Bagahi, P.O. and P.S. - Jogapatti, District - West Champaran.
9. Pummay Kumari, D/o Late Asha Devi Wife of Sashi Bhushan Prasad, Verma, Resident of Village - Bagahi, P.O. and P.S. - Jogapatti, District - West Champaran.
10. Madhu Devi, Wife of Suresh Prasad, Resident of Bagaha - 1, P.O. and P.S. - Bagaha, District - West Champaran.
11. Gudiya Devi, wife of Open Kumar, Resident of Village/Mohalla - Christian Quarter, P.O. and P.S. - Bettiah, District - West Champaran.
12. Muni Devi, Wife of Laloo Prasad, Resident of Village and P.O.- Dhankutwa, P.S. - Balthar, District- West Champaran.
13. Nirmala Devi, wife of Sri Raghunandan Prasad Verms, Resident of Mishir Tola, Darbhanga, P.O. and P.S. - Darbhanga, District- Darbhanga.
14. Bimala Devi, wife of Late Sharda Kumar Srivastava, Resident of Village - Nawalpur, P.O. and P.S. - Nawalpur, District - West Champaran.
15. Kamala Devi, Wife of Anand Bihari Srivastava, Resident of Village and P.O - Amarpura, P.S. - Barhima, District - Gopalganj.



... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bishwa Nath Chaudhary
For the Respondent/s : Mr.Shiv Kumar Dwivedy

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

ORAL ORDER

5 19-12-2023 Heard learned counsel for the petitioners as well as
opposite parties.

2. A petition under Order VII Rule 11(d) of the C.P.C.
was filed by the petitioners in Revocation Case No. 01 of 2011
in which he was opposite party, on the ground that the opposite
party no. 1 appeared in the probate case and he filed his no
objection petition with *vakalatnama* and on the basis of his no
objection, the probate was granted to the father of the
petitioners. As such, the Revocation Case (plaint) does not
disclose the cause of action and it should be rejected at its
threshold under Order VII Rule 11(d) of the C.P.C.

3. On the other hand, the learned counsel for the
opposite parties submits that he never filed no objection in
probate case nor he appeared nor filed any *vakalatnama* and the
probate was granted behind his back and it was the reason, he
filed revocation Case No. 01 of 2011.

4. In my view, without taking the evidence of the
parties, this matter cannot be decided. It cannot be thrown at its



threshold. The Revocation Case No. 01 of 2011 cannot be rejected under the provisions of Order VII Rule 11(d) of the C.P.C.

5. The learned court below is directed to decide this case after giving proper opportunities to the parties of being heard.

6. With these observations, this Civil Revision is dismissed, and the impugned order is upheld.

7. The learned court below shall take every endeavor to dispose of the revocation case within one year, except the circumstances beyond the control of the court or created by the petitioners or opposite parties. He shall not fix a date for more than seven days.

(Nawneet Kumar Pandey, J)

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