

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6152 of 2016

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Lalita Kumari Alias Lalita Devi daughter of Late Pritam Mandal and wife of Sri Pappu Chaudhary, resident of Village and P.O. Dhutaul Malpa, P.S. Chautham, District Khagaria.

... .. Petitioner/s

Versus

Mahendra Mandal son of Kesho Mandal, resident of Village Dhutaul Malpa, P.S.- Chautham, District Khagaria, at present residing at Village Jhiktia, P.S. Gogari, District- Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Dronacharya, Sr. Advocate
For the Respondent/s	:	Mr. Abdul Mannan Khan, Advocate
	:	Mr. Allama Abdul Quadir Jamal Faridi, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 19-04-2023 The present writ petition has been filed seeking to challenge the order dated 16.02.2016, passed by the learned court of Additional District and Sessions Judge-3rd, Khagaria in Probate Case no. 01 of 1994, whereby and whereunder the petition filed by the petitioner herein to recall the order dated 02.09.2015, by which the learned court below had allowed the plaintiff to bring on record the certified copy of the will in question as secondary evidence, has been rejected.

At the outset, the learned Senior counsel for the petitioner submits that the petitioner be permitted to agitate his grievance before the learned court below, however, the fact remains that the will in question, certified copy whereof has been brought on record by the plaintiff, has been declared to be



a forged and fabricated will by a judgment rendered by the learned court below in Title Suit no. 02 of 1994, hence, a copy of the said judgment be permitted to be brought on record, to which the learned counsel appearing for the respondent herein has got no objection.

Having regard to the facts and circumstances of the case, the present writ petition stands disposed off, however, with liberty to the petitioner to pursue his remedies before the learned court below in the pending Probate Case no. 1/1994 and further bring on record a copy of the judgment rendered by the learned court below in Title Suit no. 02 of 1994, within a period of four weeks from today.

The writ petition stands disposed off as not pressed.

(Mohit Kumar Shah, J)

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