

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1740 of 2018

Arbind Kumar Alok Son of Late Yogendra Prasad, Resident of B-56,
Sachivalaya Colony, P.S.- Patrakar Ngar, Kankarbagh, P.O.- Lohiya Nagar,
Distt- Patna- 800020.

... .. Petitioner/s

Versus

1. Sri Ajay Kumar
2. Sri Abhay Kumar,
3. Sri Amit Kumar
All Sons of Late Yogendra Prasad, Resident of B-56, Sachiwalaya Colony,
P.S.- Patrakar Nagar, Kankarbagh, P.O.- Lohiya Nagar, Distt- Patna- 800020.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shashi Kant Singh, Advocate
For the Respondent/s : Mr. Rajendra Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 03-10-2023 Heard the parties.

2. The present application has been filed for quashing the order dated 23.08.2018 passed by the learned Additional District and Sessions Judge-VIII, Patna in Title Suit No. 36 of 2012 by which the applications dated 17.06.2017 and 01.08.2017 have been rejected.

3. Probate Case No. 144 of 2011 is going on between the parties, who are none else but brothers. The Will in question is a registered Will executed by the father of the parties. The petitioner had filed an application for bringing some documents on record which has been disallowed by the Court below saying that there is no statement with regard to those documents in the



written statement of the petitioner and the application has been filed after a great delay.

4. Learned counsel for the respondents has opposed the application and has submitted that the case has in advanced stage as the evidence of the parties is almost complete.

5. I have considered the submissions of the parties. Whether the registered Will is the last Will of the testator or not is to be examined by the Court below and the documents which the petitioner wants to bring on record, in my view, are not relevant for just decision of the case.

6. In view of the aforesaid, this application is dismissed.

(Sandeep Kumar, J)

P. Kumar

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