

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.25 of 2017

Neelam Devi W/o Shri Rajan Prasad Singh, resident of village - Jarang
Deorhi, P.S. Gaighat, District - Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shyam Sunder Pandey, Advocate
For the Respondent/s : Mr. Prashant Pratap- GP2

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 16-01-2024 Learned counsel for the petitioner seeks withdrawal of
the present petition with some liberty.

2. The present petition has been filed against the order dated 22.08.2016 passed by learned District Judge, Muzaffarpur in Probate Case No. 11 of 2014.

3. From the record it appears that the petitioner is mother of one Chandan Kumar Singh, who went traceless in 2004. A Will on 03.12.1998 was executed by Shashidhar Prasad Singh in favour of said Chandan Kumar Singh. The petitioner, who is mother of said Chandan Kumar Singh sought probate of the Will before the learned District Judge. The learned District Judge did not believe the claim of tracelessness of son of the petitioner and dismissed the probate case as not maintainable.

4. Now the learned counsel for the petitioner submits



that now the son of the petitioner has returned, liberty may be granted that in case the son of the petitioner wants to file a probate case, the same should be heard without any prejudice occurring due to the dismissal of earlier probate case.

5. It goes without saying that any case filed subsequently by legatee will be heard in accordance with the provisions of law and no liberty for such presumption is required.

6. Hence, the present petition is dismissed as withdrawn. In case the son of the petitioner chooses to file any petition for probate of the Will, the same will be disposed of in accordance with law.

(Arun Kumar Jha, J)

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