

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8304 of 2016

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Smt. Man Kuer Devi wife of Late Gupteshwar Singh Yadav resident of village Bandhu Bigha, P.S. Obra, District - Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Chairman, Bihar Land Tribunal, Patna.
3. The District Collector, Aurangabad.
4. The Additional Collector, Aurangabad.
5. The Deputy Collector, Land Reforms, Aurangabad.
6. Satyadeo Yadav
7. Satyendra Yadav Both sons of Late Dharam Raj Yadav Both Sl. No. 6 and 7 are residents of village Katharua P.S. Aurangabad T Post Office Aurangabad, District Aurangabad.
8. Kabutri Devi D/o Late Dharam Raj Yadav and wife of Dineshwar Yadav resident of village Basdiha, P.S. Deo, District Aurangabad.
9. Savitri Devi D/o Late Dharam Raj Yadav and wife of Jagdish Yadav resident of village Ratanbigha, P.S. Madanpur, District Aurangabad.
10. Mukhiya Devi D/o Late Dharam Raj Yadav and wife of Khedu Yadav resident of village Kose Bihra, P.S. Aurangabad District Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Akhouri Vipin Bihari Shrivastava, Advocate Mr. Mr. Nand Kumar, Advocate
For the State	:	Mr. A.B. Sinha, G.A. 8 Mrs. Kalpana, AC to GA -8

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 22-03-2024

Interlocutory Application No. 1/2024

The aforesaid Interlocutory application has been preferred for substituting the name of Man Kuer Devi by the proposed heirs, Ashutosh Kumar.

2. This Court has gone through the paragraph nos. 2 to 4 of the petition which read as follows :



“2. that the petitioner namely Smt. Man Kuer Devi executed a registered deed of Will in favour of proposed petitioner namely Ashutosh Kumar son of Akhileshwar Kumar on 18.07.2018, who is son of elder brother of her husband.

3. That the aforesaid petitioner namely Smt. Man Kuer Devi died on 23.10.2019 leaving behind proposed petitioner who is her heirs and legal representative, whose details are as follows:-

(I) Ashutosh Kumar (M), aged about 35 years, son of Shri Akhileshwar Kumar, resident of village – Bandhu Bigaha, P.O. Ram Nagar, P.S. Obra, District Aurangabad, Bihar.

4. that after death of petitioner, the proposed petitioner filed Probate Case being L.A. 11/20 before District Judge, Aurangabad, which is pending for disposal.”

3. When proposed case number L.A 11/20 is pending before the District Judge, Aurangabad and then the same has not been brought to a logical end, the petitioner cannot claim his substitution to the deceased lady, Smt. Man Kuer Devi.

4. I.A. No. 1/24 stands dismissed.



CWJC No. 8304 of 2016

In view of the fact that the sole petitioner has died, no further direction can be issued in the matter and CWJC No. 8304 stands abated.

(Rajiv Roy, J)

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