

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.142 of 2024

Satyendra Kumar Singh, Son of Sri Kapildev Singh, Karta Putra of Late Raghunath Singh, Resident of Village- Basantpur, Pakari Tole, Bariyarpur, PO- Sankhi, P.S.- Riga, District- Sitamarhi.

... .. Petitioner/s

Versus

1. Shashi Devi, Daughter of Late Raghunath Singh, Wife of Sri Bir Bahadur Singh, Resident of Village- Kabaiya, P.O- Kabaiya, P.S.- Ghorasahan, District- East Champaran.
2. Pratima Devi, Daughter of Late Raghunath Singh, Wife of Sri Satendra Singh, Resident of Village- Hirapur, P.O.- Gurehnama, P.S.- Kundwa Chainpur, District- East Champaran.
3. Shobha Devi, Daughter of Late Raghunath Singh, Wife of Sri Manoj Singh, Resident of Village and P.O. Narha, P.S.- Majorganj, District- Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kumar Satya Kirti, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 27-06-2024 Heard learned counsel for the petitioner on the point of admission and I intend to dispose of the present petition at the stage of admission itself.

2. The instant petition has been filed by the petitioner/plaintiff under Article 227 of the Constitution of India for setting aside the order dated 09.10.2023 passed by the learned 3rd Additional District Judge, Sitamarhi in Probate Case No. 9 of 2005 whereby and whereunder the learned trial court rejected the prayer of the petitioner/plaintiff for marking



payment receipt and the certificate of the Accountant of Land Development Bank as exhibits.

3. Perusal of impugned order shows its a detailed speaking order and the learned trial court has partly allowed the application of the petitioner/plaintiff marking exhibit the certified copy of the revisional survey with respect to Khata No. 240 filed on behalf of the applicant. But at the same time the learned trial court has rejected the prayer for marking exhibit of payment receipt as well as certificate purported to have been granted by the Accountant of the Land Development Bank. From perusal of the impugned order, it also appears that these documents were available prior to the filing of the probate petition and were presented before the court after closure of evidence of the parties when the matter was fixed for argument. Moreover, the petitioner has also not been able to show the relevance of the document in the present matter as it is a case filed for grant of probate of Will. From the impugned order, I do not find anything which shows any error of jurisdiction in passing of impugned order by the learned trial court.

4. Hence, I do not find any infirmity in the impugned order dated 09.10.2023 passed by the learned 3rd Additional District Judge, Sitamarhi in Probate Case No. 9 of 2005 and the



same is affirmed.

5. Accordingly, the instant petition stands dismissed.

(Arun Kumar Jha, J)

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