

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.249 of 2024

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Sheo Kumari Devi Wife of Late Radha Raman Prasad Singh Resident of
Village- Chiraura, P.O.- Chiraura, P.S.- Naubatpur, Dist- Patna.

... .. Petitioner/s

Versus

1. The Estate of Late Raktu Singh @ Raktu Prasad Singh Son of Late Harihar Singh Resident of Village- Chiraura, P.O.- Chiraura, P.S.- Naubatpur, District- Patna.
2. Smt. Neela Devi W/o Late Girja Prasad Singh Resident of Village- Chiraura, Police Station- Naubatpur, District- Patna.
3. Smt Meena Kumari Daughter of Late Girja Prasad Singh Resident of Village- Chiraura, Police Station- Naubatpur, District- Patna.
4. Smt. Meera Kumari Daughter of Late Girja Prasad Singh Resident of Village- Chiraura, Police Station- Naubatpur, District- Patna.
5. Kumuk Kumari Daughter of Late Girja Prasad Singh Resident of Village- Chiraura, Police Station- Naubatpur, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ramesh Kumar Choudhary, Advocate
For the Respondent/s	:	Mr.Rajesh Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 24-04-2025 Learned counsel for the petitioner is permitted to
make necessary correction in paragraph 1 of the petition.

2. Heard learned counsel for the parties.

3. The petitioner is aggrieved by the order dated
14.12.2023 passed by learned Additional District Judge, 1st,
Danapur in Title Suit No. 26 of 2017, whereby the whereunder
the applications dated 02.07.2019 and 17.06.2023 filed for



comparing the signature of the testator of Will dated 05.08.1984 with some document have been rejected.

4. Perusal of impugned order shows the applications dated 17.06.2023 was dismissed for not moving it by the petitioner though the petitioner was directed earlier to move application and it was also made clear by the learned trial court that if the application was not moved, the same will be dismissed. Apparently, the application dated 17.06.2023 has been dismissed as the petitioner failed to move it in terms of order dated 15.09.2023 of the learned trial court. It is also clear that the application dated 17.06.2023 has not been dismissed on merit. It seems the petitioner has approached this Court in haste. When no orders have been passed on merits, it was incumbent upon the petitioner to approach the learned trial court seeking disposal of the petition on merit by filing a fresh petition as the earlier petition was rejected but the petitioner did not do so and approached this Court and the petition before this Court appears to be entirely misconceived. Therefore, I do not find any merit in the present petition and the same is dismissed.

5. However, it is made clear that if the petitioner approaches the learned trial court with fresh application seeking comparison of signature of the testator, the same shall be



considered by the learned trial court and dispose it of strictly in
accordance with law.

(Arun Kumar Jha, J)

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