IN THE HIGH COURT OF JHARKHAND, RANCHI

C.M.P. No. 1230 of 2026

1.Rimpa Bhadury, aged about 53 years wife of Jibajitendra Nath Bhadury and daughter of late Ardendy Narayan Ray, resident of C.A. 204, Sector-I, Saltlake City, Kolkata, West Bengal

2.Paromita Mittra, aged about 63 years, wife of Sri Debashish Mittra and daughter of late Ardhendu Narayan Ray, resident of Diamond City South, Flat 12H, Tower-2, 58 M.G.Road, Kolkata, West Bengal .... Petitioner(s)

-- Versus --

Nabonita Mitra, aged about 55 years, wife of late Satyabrato Mitra and daughter of late Ardhendu Narayan Roy, by religion Hindu, resident of Flat No.4D, Puri Enclave, Hesag, Hatiya, Ranhi, Jharkhand and permanent resident of Ray and Co.Chowk, Station Road, Post Office and Police Station Deoghar, Jharkhand .... Opp. Party

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CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner(s) :- Mr. Lalit Yadav, Advocate

For the Opp.Party :-

5/25.11.2026 This petition has been filed under Article 227 of Constitution of India for setting aside the order dated 18.02.2026 passed by learned Civil Judge (Sr.Division)-VII, Deoghar, whereby the petition dated 25.06.2025 filed by the defendant has been rejected for staying of the further proceeding of Original Suit No.97 of 2019.

2. Learned counsel for the petitioners submits that the petitioners are the daughters of the deceased and the Original (Partition) Suit No.97 of 2019 has been instituted by another daughter of the deceased. He next submits that the deceased mother has executed the Will in favour of the petitioners and for that Will, Probate Case No.11 of 2025 is pending before the learned competent court in West Bengal. He next submits that the learned court has been pleased to reject the stay petition without appreciating the same and in view of that, this petition may kindly be allowed.

3. On query made by the Court, the learned counsel for the petitioners submits that the property in question is situated at Deoghar. The petitioners herein have instituted the Probate Case No.11 of 2025 in the State of West Bengal.

4. The Partition suit has been instituted on the ground that the property is of the earning of the father. The learned court has appreciated the fact that only filing of the probate case in the State of West Bengal that cannot be a ground to stay the entire proceeding of the partition suit, its finding appears to be correct. No case of interference is made out. This petition being C.M.P. No. 1230 of 2026 is dismissed.

(Sanjay Kumar Dwivedi, J.)

Dated : 25.11.2026
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