

Patna High Court - Orders

Sri Surendar Singh & Ors. vs The State Of Bihar & Anr. on 17 October, 2011

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.419 of 2010

Kailash Devi wife of Shyam Nandan Singh, resident of village
Jaitpur, P.S. Barhaiya, District Lakhisarai.

... Appellant

Versus

1. The State Of Bihar
2. Balmiki Prasad Singh, Son of Late Sahdeo Singh, resident of
village Ganga Sarai, P.S. Barahiya, District Lakhisarai.

... Respondents.

with

Miscellaneous Appeal No.418 of 2010

1. Sri Surendar Singh.
 2. Sri Rajendar Singh.
 3. Sri Subodh Singh.
- All sons of late Ram Udgar Singh, resident of village
Sherpur, P.S. Maranchi, District Patna.

... Appellants.

Versus

1. The State Of Bihar
2. Balmiki Prasad Singh, Son of Late Sahdeo Singh, resident of
village Ganga Sarai, P.S. Barhaiya, District Lakhisarai.

... Respondents.

7. 17.10.2011. Since both the appeals arise out of the common order, both the appeals are being disposed of by the common order.

The present appeals have been preferred under Section 299 of India Succession Act against an order dated 22.10.2009 passed in Probate Case No.17 of 2007 by A.D.J./F.T.C. Vth, Lakhisarai, whereby the prayer of the appellants for intervention was dismissed.

Shri Umesh Prasad Singh, learned Senior Counsel appearing on behalf of respondent no.2, while referring to averment made in paragraph-6 of the affidavit filed on behalf of respondent no.2 submits that during pendency of the present appeals, the probate case has already been decided by judgment dated 30.6.2010. He further points out that a suit vide Title Suit No.76 of 2010 has been preferred for declaration of the title and confirmation of possession and same is also pending.

In view of the fact that during pendency of the present appeals, the probate case has already been decided, no purpose would be served in keeping the matter pending, which were filed primarily for setting aside of an order whereby prayer for intervention/addition of party of the appellant in probate case was rejected.

The court is of the opinion that both the appeals have now become infructuous.

Accordingly, both the appeals stand disposed of.

N.H./

(Rakesh Kumar, J.)