

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
FIRST APPEAL No.361 of 2001**

ARUN KUMAR

... .. Appellant/s

Versus

SMT.NIRMALA DEVI & ORS.

... .. Respondent/s

with

**FIRST APPEAL No. 375 of 2001**

ARUN KUMAR

... .. Appellant/s

Versus

SMT.NIRMALA DEVI & ORS.

... .. Respondent/s

with

**FIRST APPEAL No. 182 of 2003**

GUPTESHWAR PRASAD

... .. Appellant/s

Versus

DINA NATH PRASAD

... .. Respondent/s

**Appearance :**

(In FIRST APPEAL No. 361 of 2001)

For the Appellant/s : Mr. Amar Prakash, Advocate

For the Respondent/s : Mr. Shambhu Sharan Singh, Advocate

(In FIRST APPEAL No. 375 of 2001)

For the Appellant/s : Mr. Amar Prakash, Advocate

For the Respondent/s : Mr. Shambhu Sharan Singh, Advocate

(In FIRST APPEAL No. 182 of 2003)

For the Appellant/s : Mr. B.M.Kumar Singh, Advocate

For the Respondent/s : Mr. Rajni Kant Jha, Advocate

**CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI**

**and**

**HONOURABLE MR. JUSTICE DR. ANSHUMAN**

**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI)**

46 17-11-2025

In First Appeal (FA) No. 2001, which was directed



to be heard along with FA 375 of 2001 and FA 182 of 2003 vide an Order No. 41, dated 27.02.2020.

2. The learned Single Bench was pleased to refer the matter on the question of applicability of Article 137 of the Limitation Act relating to the starting point of applicability in a petition for probate/letters of administration under Indian Succession Act.

3. For the purpose of deciding the question of law, it is not necessary to look into a question, as to whether substituted respondent no. 1J(11) in FA No. 182 of 2003 was validly served or not.

4. It is found from the Office note that the respondent no.1J(11) is a married lady and notice of the appeal was received by her brother-in-law, i.e., brother of her husband.

5. If respondent no. 1J(11) resided in the same house, the learned for the appellants is at liberty to file a jointness petition.

6. In any event of the matter filing or non-filing of the jointness petition does not restrict the Court to decide the question of law raised by the Hon'ble Single Bench in FA No. 361 of 2001 vide a Order No. 41, dated 27.02.2020.

7. Accordingly, these three appeals be listed on 1<sup>st</sup>



December, 2025 under the heading for orders, fairly at the top.

8. Both the parties are directed to come ready on the next date fixed.

**(Bibek Chaudhuri, J.)**

**( Dr. Anshuman, J.)**

Jyoti Kumari/-

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