

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.687 of 1994

Dr. Ashok Kumar Singh

.... Appellant/s

Versus

Gauri Devi & Ors

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Sukumar Sinha

For the Respondent/s : Mr. Brajesh Nandan Bariar(Cav

Mr. A.B.P.Sinha(Caveat)

Mr. Rabindra Kumar Sinha(Cave

Mr. Nagendra Dubey

Mr. Ambuj Nayan Choubey

Mr. Anil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

21 25-08-2015

Learned counsel for the appellant submits that

this first appeal is preferred against the Judgment and Order dated 05.07.1994 passed in Title Suit No. 34 of 1980, arising out of Probate Case No. 100 of 1978, whereby the Court of Additional District Judge-IX, Patna allowed the aforesaid title suit granting the probate of will dated 29.12.1969 executed by Lajjadhari Singh in favour of Raj Rani Devi. In view of decision in the case of *Most. Kewala Devi and Another Vrs. Sri Krishna Devi and Another reported in 2013(1) PLJR 176*, the Miscellaneous Appeal will be filed under section 299 of the Indian Succession Act, 1925.

The learned counsel for the appellant seeks permission to convert this title appeal into Miscellaneous Appeal.

Learned counsel appearing on behalf of Respondents also supported the contention of learned counsel for the appellant that Miscellaneous Appeal is maintainable.

In view of the above submissions, let the instant first appeal be converted into Miscellaneous Appeal within three weeks.

(Rajendra Kumar Mishra, J.)

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