

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CIVIL MISCELLANEOUS JURISDICTION No.876 of 2016**

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Pheku Rai

.... .... Appellant/s

Versus

Jagtaran Devi & Ors

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Sanjay Kumar

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR  
SAHOO  
ORAL ORDER**

3      16-11-2016      The learned counsel for the petitioner submitted that by the impugned order dated 25.02.2016 passed by the District Judge, Sitamarhi, the Letters of Administration Case No.5 of 2014 has been dismissed and, therefore, the order is not an interlocutory order rather it is appealable under Section 299 of the Indian Succession Act, 1925. Accordingly, he prayed for permission to convert this application to Appeal under the said Act.

Perused the impugned order.

It appears that the Letters of Administration case has been dismissed and, therefore, finally it has been decided holding that original will has not been annexed with the application as required by law. In such view of the matter as submitted by the learned counsel for the petitioner, he is permitted to convert this Civil Misc. application to an Appeal under the Indian Succession Act within three weeks. If this Civil Misc. application is not converted within three weeks, this Civil Misc. application shall stand dismissed as not maintainable.

Sanjeev/-

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**(Mungeshwar Sahoo, J)**