

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.186 of 2014

=====

Arjun Singh & Ors.

.... Appellant/s

Versus

Most. Champa Kumari & Ors.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Jeetendra Narayan

For the Respondent/s :

=====

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

5 01-11-2017

Heard learned counsel for the appellants.

From perusal of the record, it appears that the appellants have filed this miscellaneous appeal under Section 299 of the Indian Succession Act for setting aside the judgment dated 04.04.2013 passed by learned 6th Additional District Judge, Muzaffarpur in contested Probate Case No. 12 of 1981 / Original Suit no. 3 of 2000.

Division Bench of this Court in the case of ***Kusheshwar Purbe vs. Shri Shri 108 Ram Janaki Jee and others*** reported in **2017 (3) PLJR 791** has been pleased to rule that the appeals filed under Section 299 of the Indian Succession Act in a contentious proceeding as envisaged under Section 295 shall be treated as First Appeal and would be governed by the procedure prescribed for such an appeal.

In view of the aforesaid decision of this Court, this



miscellaneous appeal filed against the judgment passed in contested probate case is not maintainable rather First appeal is maintainable against the same.

Hence, appellants are directed to take step for conversion of this miscellaneous appeal into First Appeal within two weeks.

(Prakash Chandra Jaiswal, J)

rohit/-

U			
---	--	--	--

