

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.95 of 2015

Urmila Devi

... .. Appellant/s

Versus

Parmeshwar Sah & Ors

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Parasmani

For the Respondent/s :

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 01-08-2018

Heard learned counsel for the appellant.

From perusal of the record, it appears that the appellant has filed this miscellaneous appeal under Section 299 of the Indian Succession Act for setting aside the judgment dated 20.01.2015 passed by learned 1st Additional District Judge, Sitamarhi in L.A. Case no. 8 of 2009 / 3 of 2013.

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 Letter of Administration Case is not maintainable rather First appeal is maintainable against the same.

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

(Prakash Chandra Jaiswal, J)

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