

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.196 of 2018

Arising Out of PS. Case No.-518 Year-2017 Thana- BARACHATTI District- Gaya

Sudarshan Paswan & Anr

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shri Prakash Srivastava
Mrs. Anu Priyadarshni

For the Opposite Party/s :

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 15-05-2018

Heard learned counsel for the appellants.

From perusal of 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 24.02.2018 passed by learned 1st Additional District Judge, Jehanabad in contested Title Suit No. 3 of 1995.

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, appellant is directed to take step for conversion of this miscellaneous appeal into First Appeal within one week.

(Prakash Chandra Jaiswal, J)

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