

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.604 of 2013

Jagdeo Mahto

... .. Appellant/s

Versus

The Estate Of Late Thakur Mahto and Ors.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sudhir Kumar
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

6 16-08-2019 Heard.

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 11.06.2013 passed by 4th Additional District Judge, Barh, Patna in Title Suit No.31 of 2008 / Probate Case No. 141/ 2009.

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 steps for conversion of this Miscellaneous Appeal into First Appeal within eight weeks.

(S. Kumar, J)

Sanjay/-

U			
---	--	--	--

