

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.471 of 2019

Kiran Devi, wife of Ranjeet Singh, aged about 45 years, resident of village- Nagwan, PS- Karpi, PO- Purania, District- Arwal

... .. Appellant/s

Versus

1. Estate of Late Most. Singari Devi, wife of late Sukhdeo Singh, resident of village- Pyare Chak, PS- Arwal, PO- Sarawan, District- Arwal.
2. Ajay Singh,
3. Sanjay Kumar Singh, both sons of late Paras Singh, resident of village- Pyare Chak, PS- Arwal, PO- Sarawan, District- Arwal.
4. Shashi Devi, wife of Yogendra Singh, resident of village- Kasauti, PS- Karpi, PO- Bambhai, District- Arwal.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Nandan Prasad, Advocate

For the Respondent/s : Mr. Sanjay Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 22-08-2023 This Miscellaneous Appeal has been filed under Section 299 of the Indian Succession Act, 1925, in a contentious proceeding.

2. In the case of ***Kusheshwar Purbey Vs. Shri 108 Ram Janaki Jee S. reported in 2017(3) PLJR 791***, it has been held as follows:

“..... the appeals filed under Section 299 of the Indian Succession Act in a contentious proceeding as envisaged under Section 295 of the Indian Succession Act after 27.02.2012 shall be treated for all purposes as First Appeals and similarly the appeals filed under Section 384(2) of the Indian Succession Act shall be treated as



Miscellaneous Appeals for all purposes.”

3. In view of the decision in the case of ***Kusheshwar Purbey*** (supra), office is directed to treat the present appeal as First Appeal and nomenclature of the case be changed accordingly.

4. List this case under the appropriate heading after its conversion.

(Khatim Reza, J)

J. Alam/-

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