

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.692 of 2016

1. Bishundeo Prasad @ Bishnu Prasad s/o Late Jog resident of Lodi
2. Jagdeo Prasad.
3. Shyam Babu Pd.
4. Suraj Pd.
5. Raj Kumar Pd. No 2 to 5 sons of late Patia Devi and Late Jogendra Pd, all resident of mohalla Khajekalan P.S .Khajekalan Dist Patna
6. Smt Lalita Devi w/o Sri de resident of mohalla, Bibigan P.S. Danapur Dist Patna.

... .. Appellants

Versus

Dhiraj Kumar S/O Shri Vishwanath Prasad resident of Mohalla Amarudhi
Gali P.S Kadamkuan P.O Bankipur Dist Patna

... .. Respondent

Appearance :

For the Appellants : Mr. Surendra Kumar, Advocate
For the Respondent :

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 31-07-2023 This Miscellaneous Appeal has been filed under

Section 299 of the Indian Succession Act, 1925 in a contentious

proceeding.

2. In view of case of *Kusheshwar Purbey Vs. Shri
108 Ram Janaki Jee S. reported in 2017(3) PLJR 791* which
reads as under:

*“..... 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. Office is directed to treat the present appeal as First Appeal and accordingly, nomenclature of the case be changed.

4. List this case before Lawazima Board for its admission.

(Khatim Reza, J)

Gaurav Kumar/-

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