

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1783 of 2019

Umesh Kumar Khetan @ Umesh Prasad Khetan, Son of Late Raj Kumar Khetan, Resident of Mohalla- Janpul, Station Road, Police Station- Motihari Town, District- East Champaran, Presently Residing at 430, 3rd floor, Gali No. 05, Guru Ram Das Nagar, Laxmi Nagar, Police Station- Laxmi Nagar, District- East Delhi, Delhi.

... .. Petitioner/s

Versus

1. Pushpa Devi, Wife of Nandu Prasad Khetan, Resident of Mohalla- Janpul, Station Road, Police Station- Motihari Town, District- East Champaran.
2. Nandu Prasad Khetan, Son of Late Raj Kumar Khetan, Resident of Mohalla- Janpul, Station Road, Police Station- Motihari Town, District- East Champaran.
3. Tara Devi, Wife of Late Mohan Prasad Khetan, Resident of Mohalla- Janpul, Station Road, Police Station- Motihari Town, District- East Champaran.
4. Deepak Khetan, Son of Late Mohan Prasad Khetan, Resident of Mohalla- Janpul, Station Road, Police Station- Motihari Town, District- East Champaran.
5. Saroj Tuyshyan, Wife of Sarwan Kumar Tuyshyan and Daughter of Late Mohan Prasad Khetan. Resident of Mohalla- Janpul, Station Road, Police Station- Motihari Town, District- East Champaran.
6. Manju Kumari Sharraff, Wife of Raj Kumar Sharraf and Daughter of Late Mohan Prasad Khetan, Resident of Mohalla- Janpul, Station Road, Police Station- Motihari Town, District- East Champaran.
7. Shambhu Prasad Khetan, Son of Late Raj Kumar Khetan, Resident of Mohalla- Janpul, Station Road, Police Station- Motihari Town, District- East Champaran.
8. Prabhat Kumar Khetan, Son of Late Pashupati Nath Khetan, Resident of Mohalla- Janpul, Station Road, Police Station- Motihari Town, District- East Champaran.
9. Prakash Kumar Khetan, Son of Late Pashupati Nath Khetan, Resident of Mohalla- Janpul, Station Road, Police Station- Motihari Town, District- East Champaran.
10. Prabhakar Kumar Khetan, Son of Late Pashupati Nath Khetan, Resident of Mohalla- Janpul, Station Road, Police Station- Motihari Town, District- East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No 7, Advocate
For the Respondent/s : Mr.Vijay Shankar Shrivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA



ORAL ORDER

4 09-05-2024 Present learned counsel for the petitioner and learned counsel for the respondents.

2. The learned counsel for the petitioner fairly submits that under some mistaken impression, the present civil miscellaneous petition has been filed against the judgment/order dated 31.05.2019 passed in Probate Case No. 26 of 2010, as against such judgment/order, a regular first appeal would lie. Thus, the learned counsel seeks permission to convert the present civil miscellaneous petition into the first appeal.

3. The learned counsel for the respondents opposes the submission made on behalf of the petitioner. The learned counsel submits that the petitioner should withdraw the present petition and file a regular first appeal in proper manner.

4. Having regard to the fact that the present civil miscellaneous petition has been filed in the year 2019 and office has not raised any objection with regard to the maintainability of the present petition and further considering the fact that much time has elapsed since filing of the present petition, in the interest of justice, the petitioner is permitted to convert the present civil miscellaneous petition into first appeal on or before 17.05.2024.

5. Office is directed to extend cooperation to the



learned counsel for the petitioner towards this conversion.

(Arun Kumar Jha, J)

V.K.Pandey/-

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