

IN THE HIGH COURT OF JUDICATURE AT PATNA
FIRST APPEAL No.75 of 2024

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1. Shatrudhan Rai son of Sri Rajendra Rai, Resident of Village- Benipur, P.S.- Parsauni, District- Sitamarhi.
 2. Rambharos Rai, son of Sri Rasnarain Rai, Resident of Village- Benipur, P.S.- Parsauni, District- Sitamarhi.

... .. Appellant/s

Versus

1. Sitabia Devi Daughter of Late Bhola Rai, Resident of Village and P.O. - Rampur Hari Chhapra, P.S.- Meenapur, District- Muzaffarpur.
2. Madan Rai, son of Late Bhola Rai, Resident of Village- Benipur, P.O. and P.S.- Parsauni, District- Sitamarhi.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Madhusudan Rai, Advocate
For the Respondent/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 02-04-2026 Perused the office notes dated

10.07.2025/25.03.2026. From perusal of record it appears that the present memo of appeal has been filed under Order 43 Rule 1 of C.P.C. read with Sections 299 and 384 of the Indian Succession Act, 1925 against Judgment dated 29.02.2024 passed by learned Additional District Judge – VIII, Sitamarhi in Probate Case No. 10/2016, whereby learned Court below has dismissed the said Probate case uncontested in view of para no. 3 and 4 of certified copy of Impugned Order.

2. In the light of the order dated 19.02.2024 passed in F.A. No. 39 of 2022, the appellant is directed to convert the



present First Appeal into Miscellaneous Appeal under Section
299 of the Indian Succession Act, within a period of four weeks.

(Rudra Prakash Mishra, J)

Rajorshi/-

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