

IN THE HIGH COURT OF JUDICATURE AT PATNA
FIRST APPEAL No.107 of 2024

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Ram Prasad Rai alias Prasad Rai Son of Late Ram Brichh Rai, resident of Village-Mahaddipur, PO Nandlal Bag, Police Station-Gaurichak, District-Patna.

... .. Appellant/s

Versus

1. Mahesh Rai Son of Late Sheo Rai, resident of Village-Ilahi Bag, PO-Bairiya, Police Station-Gopalpur, District-Patna.
2. The Estate of Late Vakil Rai, son of Late Ram Brichh Rai, resident of Village Mahaddipur, PO Nandlal Bag, Police Station-Gaurichak, District-Patna.
3. Shiv Prasad, son of Late Ram Brichh Rai, resident of Village Mahaddipur, PO Nandlal Bag, Police Station-Gaurichak, District-Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Rudal Singh, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 07-04-2026 Perused the office notes dated 30.09.2024/26.03.2026.

From perusal of record it appears that the instant Memo of Appeal has been filed against judgment dated 28.04.2023 passed by learned District Judge-I, Masaurhi in Probate Case No. 59 of 2021, whereby learned Court below has allowed the said Probate Case. The said case was heard ex-parte which does not appear to be contentious one in view of para No. 2 of the copy of impugned Judgment.

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 u/s 299 of the
Indian Succession Act, within a period of four weeks.

(Rudra Prakash Mishra, J)

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