

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.226 of 1988

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1. Bhagwat Sharma
 2. Bipin Sharma, both sons of Gaya Thakur, resident of Village Rasool, P.O. Bindusar, PS & District Siwan
 3. Jhalri Devi, wife of Sri Heera Lal Sharma, resident of Village Puraina, PO Amlori Sansar, PS & District Siwan
 4. Sonamani Devi, wife of Sri Bala Sharma, resident of Village Banchand hata, PO Pakwalia, PS & District Siwan
- Plaintiffs Appellants

.... Appellants

Versus

- 1(a). Most Dhaneshwari
 - 1(b) Bhola Sharma (expunged)
 - 1©. Shiv Jee Sharma
 - 1 (d). Baijnath Sharma
 - 1 (e). Shiv Shankar Sharma
 - 1 (f) (i) Dinesh Sharma
 - 1(f)(ii) Umesh Sharma
 - 1(f)(iii) Man Bhagan Sharma, all sons of Late Ramji Sharma
 - 1(f)iv) Usha Kumari
 - 1(f)(v). Shanti Kumari, both daughter of Late Ramji Sharma
 - 1 (g) Laxmanjee Sharma, all sons of Late Maya Thakur
 - 1 (h) Chandrakali Devi, wife of Late Bharat Sharma, daughter of Late Maya Thakur
 - 1(i) Krishna Sharma
 - 1(j). Dhruvji Sharma
 - 1(k) Diulip Kumar Sharma
 - 1(l) Prabhavati Kumari
 - 1(m) Lali Kumari
 - 1(n) Pushpa Kumari
- All resident of Rasoolpur, PO Bindusar, PS & District Siwan
..... Defendants Respondents

.... Respondents

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Appearance :

For the Appellant/s : None

For the Respondent/s : Mr. Deepak Kr. Sinha

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

21 11-02-2015 Nobody appears on behalf of the appellants even after repeated calls.

It appears that earlier also nobody appeared on behalf of the appellants but the matter was adjourned by the Court at its own

instance by way of last indulgence.

This appeal has arisen out of land acquisition proceeding on reference under Section 30 of the Land Acquisition Act. The dispute inter se between the parties was the rival claim as to whether the land in acquisition was acquired out of joint family fund or the self acquisition of respondent no. 1 Maya Thakur, and in that view of the matter the proceeding has partaken the nature of a partition suit.

It further appears from the records that this appeal stood dismissed as against the substituted respondent nos. 1(g), 1(l) and 1(m) for non compliance of the peremptory order dated 1.3.2001. By the later order the competency of the appeal in absence of the three heirs of the deceased respondent no. 1 in absence of those respondents was directed to be considered at the time of hearing of this appeal. From the office notes it transpires that an affidavit at flag 'X' and substitution petition at flag 'Y' have been placed for consideration but nobody has appeared to press the said affidavit and substitution petition. In result, and the same are dismissed as not pressed.

In view of the aforesaid facts that this appeal has already stood dismissed as against respondent nos. 1(g) 1(l) and 1(m) proceeding further with this appeal may result in conflicting orders or decrees.

In the result, this appeal is dismissed as incompetent.

(V. Nath, J.)

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