

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Second Appeal No.48 of 2011**

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Tetari Devi, wife of Ramayan Sharma, resident of Village & P.S.  
Charpokhri, District Bhojpur .....Defendant ..... Appellant

.... .... Appellant

Versus

1. Most Sanmukha Kuer, wife of Late Mangal Kumhar
2. Manik Chand Pandit
3. Nirmal Pandit, both sons of Late Mangal Kumhar
4. Lila Devi
5. Girija Devi, both daughters of Late Mangal Kumhar, all residents of Village & P.S. Charpokhri, District Bhojpur .....  
Plaintiff...Respondent 1st set.... Respondent 1st set.
6. Bihar Sarkar through Samaharta, Bhojpur
7. Anchaladhikari, Charpokhri, District Bhojpur ...Defendants 2<sup>nd</sup> set  
.... Respondent 2<sup>nd</sup> set
8. Sri Ram Jee Ram, son of Asharfi Ram .... Defendants 2<sup>nd</sup> set .....  
Respondent 3<sup>rd</sup> Set .... Respondent 3<sup>rd</sup> set.
9. Mandodri Devi alias Satyendri Devi, wife of Ujagir Sah
10. Most. Mandodari Kuer, wife of Late Fagu Sah
11. Sanjay Kumar Gupta
12. Sri Ram Sah, both sons of late Fagu Sah
13. Usha Kuer
14. Anju Devi
15. Manju Kumari, all daughters of late Fagu Sah
16. Amrendra Ram, son of Jagdeo Ram
17. Raj Kishore Sharma, son of Ram Dayal Ram
18. Sharda Nand Ram, son of Ramdeo Ram, resident of Village Kharati,  
P.S. Charpokhri, District Bhojpur
19. Rameshwar Ram,
20. Dinesh Ram, both sons of Shankar Dayal Ram
21. Birija Nand Ram, son of Ramanand Ram
22. Tara Muni Devi, wife of Muni Ram, all respondent Nos. 8 to 17 and  
19 to 22 are residents of Village & P.S. Charpokhri, District Bhojpur  
.... Defendants 2<sup>nd</sup> set ..... Respondent 3<sup>rd</sup> set ..... Respondent 3<sup>rd</sup> set

.... .... Respondents

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**Appearance :**

For the Appellant/s : Mr. Sanjay Kumar Ghosarvey  
For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE V. NATH**  
**ORAL ORDER**

9      03-09-2015      Nobody appears on behalf of the appellant.

By order dated 26.8.2015 this matter was adjourned for a  
week as nobody had appeared on behalf of the appellant. However,

the fact was noticed that the Interlocutory Application (I.A. No. 5441 of 2014) which was filed for condonation of delay in filing the substitution petition stood dismissed for default for non compliance. By earlier order dated 11.3.2015, on the prayer of the learned Counsel for the appellant notice in the limitation matter (I.A. No. 5441 of 2014) was issued only on respondent Nos. 1 to 5. From the office report it transpires that the limitation petition stood dismissed as against respondent Nos. 1 to 5.

The said Interlocutory Application (I.A. No. 5441 of 2014) has been filed for condonation of delay in filing this appeal. However after dismissal of the said Interlocutory Application as against respondent Nos. 1 to 5, this appeal now stands barred as against them. It further transpires that respondent Nos. 1 to 5 were the plaintiffs in the suit. As such, after dismissal of this appeal as barred by limitation against respondent Nos. 1 to 5, proceeding further with this appeal may result in conflicting orders or decrees. As such this appeal is dismissed as barred by limitation.

**(V. Nath, J.)**

Snkumar/-

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