

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.289 of 2008

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Smt.Sonwatiya Devi @ Chandi Devi, wife of Late Chaitu Sada, resident of
Village Dih Jhapari, PS Medini Chowki, PO Kiranpur, District Munger
..... Plaintiff..... Appellant

.... Appellant

Versus

1. Raghunandan Mahton
 2. Shri Prasad Mahton
 3. Parmanand Mahton
 - All sons of Khanon Mahton
 4. Shyam Mahton, S/o Hakim Mahton @ Staya Narain Mahton, all
residents of Village Dih Jhapani, PS Medini Chowki, PO Kiranpur,
District Munger
 5. Smt. Suma Devi, wife of Jhari Mahton, resident of Village Khawa, PS
Medini Chowki, PO Kiranpur, District Munger
 6. Smt. Sudha Devi, wife of Jogi Mahton @ Yogendra Mahton, resident of
Village Sanha, PS Sahebpur Kamal, PO Sanha, District Begusarai
 7. Smt. Baruniya Devi, wife of Damodar Mahton, resident of Village
Imam Nagar, PO Kabadpur (Manikpur), PS Surajgraha, District Munger
 8. Rukni Devi, wife (not known to the Appellant) resident of Village
Maheshpur, PO & PS Piri Bazar, District Munger
 9. Smt. Rania Devi, wife of Chandu Mahton, resident of Village
Manikpur, PO Kabadpur, PS Manikpur, District Munger
 10. Smt. Chanki Devi, wife of (not known to the Appellant) resident of
Village Paharpur, PS Medini Chowki, District Munger
 11. Lukhia Devi, wife of (Not known to the Appellant), resident of Village
Hemazapur, PO Hemzapur, PS Dharahra, District Munger
- Defendants Respondents

.... Respondents

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Appearance :

For the Appellant/s : None

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

8 16-02-2015

None appears on behalf of the appellant.

Perused the office notes, from which it transpires that this
appeal has stood dismissed in default for non-compliance of the
order dated 12.11.2013 as against respondent nos. 4, 6, 8 to 11. It
appears from the records that this appeal was barred by limitation
and notice was issued on the limitation petition (I.A. No. 7264 of

2011), but that peremptory order which was for filing requisites for fresh service of notice to respondent nos. 4,6, 8 to 11 was not complied.

The plaintiff is the appellant in this appeal against the judgment and decree of affirmance passed by the appellate court. The suit has been filed for declaration of title and possession over the bamboo clumps and Peepal trees over the suit land described in Schedule 'K' of the plaint, and in the alternative the prayer for recovery of possession has also been made, in case of dispossession during pendency of the suit. The relief of permanent injunction has also been sought.

Respondent nos. 4, 6, 8 to 11 were defendants in the suit. As this appeal has stood dismissed, as against the aforesaid respondent nos. 4, 6, 8 to 11, proceeding further with this appeal may result in chances of conflicting decrees or orders.

In the result, this appeal is dismissed as incompetent.

(V. Nath, J.)

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