

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.280 of 2008

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1. Bigu Bhagat, son of Late Lachchi Ram Bhagat @ Laxmi Ram Bhagat, resident of Villager Balua Tikuliya, P.O. & P.S. Sugauli, District East Champaran
 2. Bhikhari Bhagat, son of Late Lachchi Ram Bhagat, resident of Village Panapur Nayaktola, P.O. & P.S. Harsidhi, District East Champaran
- Plaintiffs Respondents 1st Set

.... Appellants

Versus

1. Phulenda Giri alias Phulena Giri alias Fulena Giri (deceased and his name expunged)
2. Rajpati Devi, wife of Vishwanath Giri, D/o Late Surya Giri, resident of Village Shedha Nathiya, P.O. Bhatwaliya, P.S. Songrampur, District East Champaran
3. Smt. Shail Devi, wife of Late Nawal Kishore Tiwari
4. (a) Vijay Tiwary
(b). Laxmi Tiwari
© . Surendra Tiwari
(d). Anil Tiwari
(e) Digambar Tiwari, all sons of Late Nawal Kishore Tiwari, all resident of Village Dhankharaiya, P.O. Ranjeeta, P.S. Harsidhi, District East Champaran
(f).Shakuntala Devi, wife of Ram Narain Mishra, resident of Village & P.O. Areraj, P.S. Govindganj, District East Champaran
(g). Suganti Devi, wife of Sangam Tiwari, resident of Village & P.O. Balha, P.O. Manrha, P.S. Govindganj, District East Champaran
(h). Smt. Khushi Devi @ Devita Devi, wife of Pappu Pandey, resident of Village Harvatika Chowk Bal Krishna Kunj, P.O. & P.S. Bettia, District East Champaran
5. Lal Bihari Prasad, son of Late Kailash Prasad, resident of Village & P.O. Ranjeeta, P.S. Harsidhi, District East Champaran
..... Defendants 1st Set Appellants Respondents 1st set
6. Kuer Mahto, son of Garib Mahto, resident of Village & P.O. Naneya, P.S. Paharpur, District East Champaran
..... Defendants 2nd set Respondent 2nd set... Respondent 2nd set
7. Bihar State Sugar Corporation Ltd. Unit Sugauli, Village Sugauli, P.O. & P.S. Sugauli, District East Champaran ... Defendant 3rd Set... Respondent 3rd party Respondent 3rd set
8. Sakalpati Devi, wife of Raj Banshi Singh, resident of Village & P.O. Bahawji, P.S. Barawali, District East Champaran ... Defendant in the Title Suit
9. Sita Ram Singh, son of Motilal Singh, resident of Village Babu Hata, P.O. Paltuhata, P.S. Barhariya, District Siwan
.... Defendant No. 7 Respondent 4th set ... Respondent 4th set

.... Respondents

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Appearance :

For the Appellant/s : Mr. A.B.Ojha

Mr. Suresh Prasad
Mr. Rajeev Ranjan
Mr. Anil Kumar
Mr. Santosh Bharti

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

11 17-09-2015

Nobody appears on behalf of the appellants.

Perused the office note, from which it transpires that even after repeated adjournments the appellants have failed to take steps for substitution of the heirs and legal representatives of the deceased respondent No. 2 and consequently this appeal stood abated as against the deceased respondent No. 2.

From perusal of the records, it transpires that the deceased respondent No. 2 Rajpati Devi was one of the appellants in the appellate court below. It is, therefore, obvious that in absence of the heirs and legal representatives of the deceased respondent No. 2 Rajpati Devi, this appeal cannot proceed.

As such, this appeal is dismissed as incompetent.

(V. Nath, J.)

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