

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.213 of 2002

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1(a). Ram Chandra Mahto
1(b). Shankar Mahto,
1(c). Sri Narayan Mahto, all sons of Late Nanhku Mahto
1(d). Binda Devi
1(e). Bishekhiya Devi
1(f). Kunti Devi, all daughters sons of Late Nanhku Mahto
2(i). Moti Lal Mahto
2(ii). Jagdish Mahto
2(iii). Pradeep Mahto
2(iv). Vishwanath Mahto, all sons of Parmeshwar Mahto
2(v). Sugia Devi, daughter of Parmeshwar Mahto, all residents of Viollage
Madhopur Roshan @ Bhisra, P.S. Dumra. Prg. Nanpur, Registry Office and
District Sitamarhi
3. Ram Jiwan Mahto, son of Late Dukha Mahto (name expunged)
3(K) Kailash Mahto
3(KH). Mahadev Mahto, sons of Jajiway Mahto, resident of Village Manik
Chouk, P.S. Runisaidpur, District Sitamarhi
3(G). Smt. Chandrakala Devi, D/o Ramjiwan Mahto, W/o Kailash Mahto,
resident of Village Pachnaur, P.,O. Daya Nagar, P.S. Belsand, District
Sitamarhi
3(GH). Smt. Surya Kala Devi, D/o Ramjiwan Mahto, W/o Kailash Mahto,
resident of Urdu Mohalla Darbhanga, P.O. & P.S. & District Darbhanga
4(i). Dhanraj Mahto
4(ii). Kamal Ram
4(iii). Nawal Prasad, both sons of Dhanraj Mahto
4(iv). Smt. Jagtaran Devi
4(v). Smt. Pukari Devi
4(vi). Smt. Ritu Devi
4(vii). Smt. Sunita Devi
5. Smt. Batiya Devi, wife of Jagarnath Mahto, resident of Village Piprarhi,
P.S. Riga, Sub-registry & District Sitamarhi Plaintiffs Appellants

.... Appellants

Versus

1. Nagendra Rai
2. Yogendra Rai
3. Laxmi Rai, all sons of Rameshwar Rai
4. Rameshwar Rai, son of Late Dewan Rai (name expunged)
5. Genia Devi, Daughter of Rameshwar Rai
6(i). Bhola Rai
6(ii). Naresh Rai,
6(iii). Klendak Devi
7. Usha Devi, (name expunged)
8. Sunaina Devi
9. Sudama Devi, all daughters of Rameshwar Rai , all residents of
Village Madhopur Roshan @ Bhisra, Prg. Nanpur, P.S. Dumra,
District Sitamarhi Defendants Respondents
.... Respondents

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Appearance :

For the Appellant/s : Mr. Umesh Pathak
Mr. Kunwar Narayan Jamuar
Mr. Basant Kumar Mishra
Mr. Sushmita Mishra
Mr. Krishna Ballabh Sharma

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

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

28 09-02-2016

Nobody appears on behalf of the appellants.

Perused the office note, wherein the office has reiterated the earlier report that this appeal has stood dismissed as against respondent Nos. 1 to 3, 5, 8 and 9 and the matter has been placed for considering the competency of this appeal thereafter.

From perusal of the memo of appeal, it appears that the plaintiffs are the appellants in this appeal, whereas respondent Nos. 1 to 3, 5, 8 and 9 have been described as defendant – respondents. After dismissal of this appeal as against the aforesaid respondents proceeding further with this appeal may result in conflicting orders and inconsistent decrees.

This appeal is therefore dismissed as incompetent.

(V. Nath, J.)

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