

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No. 48 of 1989

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Prem Jyoti Devi & Ors.

.... Appellants

Versus

Murli Dhar Saw & Ors.

.... Respondents

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Appearance :

For the Appellants : None

For the Respondents : Mr. Sukumar Sinha

Mr. Samir Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

39 03-08-2017

No one appears on behalf of the appellant.

The plaintiff-appellant had brought Title Suit No. 48/42 of 1979/1982 for setting aside the sale deed no. 7911 of 1964 executed by Most. Tapesari in favour of the defendants. The suit was dismissed by the learned trial Judge and the judgment of the learned trial Judge was affirmed by the lower appellate court.

By order dated 25.09.2012, the Lawazima Board directed the appellant to take step for fresh service of appeal notice on respondent no. 2(i) to 2(vi) through both the processes. The order was not complied. Thereafter on 09.12.2015, this Court granted one week peremptory time for compliance of the order of the Lawazima Board. That order was also not complied. Hence, the appeal stood dismissed against respondent no. 2(i) to 2(vi).

Now the office has placed notes dated 02.08.2017 for



necessary order as to whether this appeal will proceed further in absence of respondent no. 2(i) to 2(vi). Apparently, the sale deed was in favour of father of the aforesaid respondents.

Hence, the appeal cannot be decided in absence of the aforesaid respondents who are necessary party to the appeal. Therefore, this appeal stands abated as a whole.

(Birendra Kumar, J)

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