

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.579 of 1986

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Rajendra Prasad & Ors.

.... Appellant/s

Versus

Late Most. Sangharia Devi wife of late Bhagwan Patwa through LRs. &
Ors

.... Respondent/s

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Appearance :

For the Appellant/s : None

For the Respondent/s : Mr. P.K.Mishra, Advocate
Mr. Jyoti Shankar, Advocate
Mr. Binay Kr.Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

15 08-08-2017

No one appears on behalf of the appellants.

Vide order dated 22.06.2017 two weeks peremptory time was allowed to the appellants for filing of requisites for service of appeal notice against respondent Nos.6 to 8. The order was not complied. Hence, the appeal stood dismissed on 06.07.2017. On 12.07.2017 this Court recorded that competency of the appeal after its dismissal against respondent Nos.6 to 8 shall be considered at the time of hearing of this appeal.

This is the plaintiffs appeal against the concurrent finding of both the Courts-below. The suit was for declaration of title and recovery of possession after removal of the encroachment against the defendant-respondents. Apparently, the relief. as



sought for, clearly shows that the appeal cannot be decided in absence of respondent Nos.6 and 7. Hence, this appeal stands abated.

(Birendra Kumar, J)

Mkr./-

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