

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.209 of 1989

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Ramiya Devi

.... Appellant/s

Versus

Late Ram Saran Ram through L.Rs.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Narendra Kumar, Adv.
: Mr. Ramashish, Adv.

For the Respondent/s : Mr. Arun Kumar, Adv.
: Mr. Bhanu Pratap Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

26 30-11-2017

Heard learned counsel for the parties.

This appeal has already abated due to non-compliance of peremptory order of this Court dated 22.08.2017, whereby the appellant was directed to file fresh requisites for show cause notice on the proposed heirs of respondent No.4 (iii) and respondent No.4 (iv). The office has placed the file as to whether the whole appeal would abate.

This appeal arises out of a judgment and decree passed in a partition suit. Naturally, in absence of the legal heirs of the deceased respondent who had a share in the property, the partition matter cannot be decided. Hence the cause of action does not survive with the appellant in absence of the deceased respondent.



Accordingly, the whole appeal stands dismissed.

(Birendra Kumar, J)

Nitesh/-

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