

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.53 of 1994

=====

Most.Saimun Khatoon through L.Rs.

.... Appellant/s

Versus

Keshao Prasad & Ors

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Mahesh Prasad-2
Mr. Rewti Kant Raman

For the Respondent/s : Mr. Ravi Shankar Sahay
Mr. Kaushalendra Pd.

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

10 09-10-2017

Heard learned counsel for the parties.

This appeal is against the reversal of the judgment of the trial court by the lower appellate court. The reversal order was in favour of the respondents. The appeal stood dismissed due to non-compliance of the peremptory order of the Court in respect of respondent Nos.4 to 8, 11(a) to 11(b), 14(i) to 14(vii).

Now, the question is whether the appeal would abate as a whole or only against the deceased respondents. Since cause of action does not survive with the appellants against the remaining respondents, as the impugned judgment cannot be interfered without hearing the legal heirs of the deceased respondents, hence, the whole appeal would abate.



Accordingly, it stands dismissed as abated.

(Birendra Kumar, J)

Nitesh/-

U			
---	--	--	--

