

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.497 of 1998

=====

Mostt. Lal Keshwari Devi & Ors.		Appellants
Versus		
Mundrika Singh & Ors.		Respondents

=====

Appearance :

For the Appellants : Mr. Gauri Shankar, Adv.

For the Respondents : M/S Ram Prasad Singh & Ram Bishun Prasad, Advs.

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

30 21-07-2017

No one appears on behalf of the appellants.

The learned counsel of some of the respondents is appearing. However, he submits that his name is not appearing in the cause list.

By order, dated 12.04.2017, this Court allowed two weeks peremptory time to the appellants, inter alia, to take steps for fresh service of appeal notice on respondent no. 24, under both modes. The order was not complied. Hence, the appeal stood dismissed for non-compliance of peremptory order.

Now, the office has placed notes, dated 19.07.2017, for necessary direction as to whether the appeal may proceed further in absence of deceased respondents 1, 7, 21 to 24 or it may abate as a whole.

The learned counsel for the respondents no. 8 and 9 submits that in fact respondent no. 24 is Mr. Chandramauli Pandey, Advocate, who was guardian ad litem before the Court below.

In my view, in absence of the minor or if the minor has attained the majority in his absence, as well as in absence of the above respondents, who are dead, the appeal can not proceed as the suit was for partition of the joint family property. Therefore, this appeal would abate as a whole.

Accordingly, it stands dismissed as abated.

(Birendra Kumar, J)

SA/-

U	√		
---	---	--	--

