

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.482 of 1998

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Sadrun Nisha

.... Appellant/s

Versus

Sarjug Tanti & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ved Prakash
Mr. Bishweshwar Ram

For the Respondent/s : Mr. Jageshwar Prasad Sinha
Mr. Jainendra Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

16 07-08-2017

It appears that no body had appeared on behalf of the appellant on 11.11.2005 when this Court dismissed I.A.No. 4580 of 2002, a substitution petition for substitution of legal heirs of deceased- respondent no.1, Sarju Tanti. Due to dismissal of the aforesaid substitution petition the appeal abated against respondent no.1.

No one appears on behalf of the appellants.

Now office places notes whether this appeal would abate as a whole or only against deceased respondent no.1.

The plaintiff filed this appeal after losing before both the courts below. The plaintiff had brought the Suit for ejectment. Both the courts below recorded finding that the plaintiff has failed to prove the relationship of landlord and tenant.



Therefore, in absence of respondent no.1, this appeal cannot proceed. Accordingly the appeal stands abated as a whole.

(Birendra Kumar, J)

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