

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.644 of 2000

Mostt. Chhatia Devi & Ors
..... Appellant/s
Versus
Mostt. Girija Devi & Ors
..... Respondent/s

Appearance :
For the Appellant/s : Mr. Sanjay Kr. Mishra
Mr. Manoj Kumar Sinha
Mr. Parmeshwar Prasad
Mr. Jai Narain Thakur

For the Respondent/s : Mr. Surendra Kumar Singh
Mr. Iimam Akhtar
Mr. Basant Kumar Tripathy

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

34 09-08-2017 Heard Sri Sanjay Kumar Mishra, the learned counsel for the appellants.

It has been submitted that Misc. Appeal No. 112 of 1991 and First Appeal No.425 of 1991 have been heard together. Misc. Appeal No. 112 of 1991 was allowed and the decree passed ex-parte was set aside in Title (Partition) Suit No. 134 of 1979. This appeal bearing no. 644 of 2000 has arisen out of the final decree in Title (Partition) Suit no.134 of 1979 and as such in view of the order passed in Misc. Appeal No.112 of 1991 which has been allowed, this appeal against the final decree has also become infructuous and therefore the lower court's record be returned so that the Title (Partition) Suit No. 134 of 1979 be decided as early as possible.

No one is present on behalf of the respondents to oppose the aforesaid contention and as such this First Appeal bearing no. 644 of 2000 being infructuous and accordingly is hereby dismissed as infructuous.

Let the L.C.R. be returned at once.

(Jitendra Mohan Sharma, J)

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