

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.359 of 1976

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Laxmi Narain Jha & Ors

.... Appellant/s

Versus

Most. Chanri Ojhain & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ram Krishna Pd.
Mr. B.Ch.Verma
Mr. Kaushal Kumar

For the Respondent/s : Mr. S.K.Das
Mr. V.R.P.Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

36 29-03-2018 The appellants have filed this appeal against the judgment dated 09.04.1976 and decree dated 28.04.1976 passed by Subordinate Judge, Sitamarhi in Partition Suit No.109 of 1970/204 of 1971 whereby and whereunder the plaintiffs' suit was decreed and they were held entitled to half share in the suit property mentioned in Schedule II of the supplementary written statement filed by defendant nos.5 to 7. The plaintiffs had claimed 1/6th share in the property mentioned in Schedule I of the plaint. The court below disbelieved the case of appellants as regards the jointness between the parties with respect to land mentioned in Schedule I of the plaint. The court below, however, decreed the suit in different manner. The main contesting parties to the suit were defendant nos.5 to 7, who had filed a separate written



statement and claimed that partition had already taken place between the parties. In this appeal, the appellants were directed to file requisites for appeal notice on the respondent nos.2, 3, 5 to 7, 8, 9, 10, 11 and 14 as per order dated 13.11.2014. The said order was not complied fully and so the appeal was dismissed against the respondents except respondent nos.11 and 14 as both of them have already appeared and the case was listed for hearing on 27.03.2018 on which date nobody appeared to press this appeal. Learned counsel for one of the respondents, however, was present.

Today also nobody appeared on behalf of the appellants.

It appears that the appellants have ceased to have any interest in prosecuting this appeal.

In the facts and circumstances, this first appeal is dismissed.

(Sanjay Kumar, J)

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