

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.759 of 1978

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Ram Raj Sah & Ors

.... Appellant/s

Versus

Ugam Sah & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. R.S.Roy
Mr. R. Narayan
Mr. Chandra Shekhar Pd. Sinha
Mr. Ashok Priyadarshi

For the Respondent/s : Mr. Satish Chandra Surya
Mr. Ajay Chandra
Mr. Umesh Kumar Mishra

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

34 01-11-2018 On repeated calls, nobody appeared on behalf of the appellants.

On perusal of record, it appears that defendants before the learned court below has filed this appeal against the judgment dated 31.08.1978 and decree dated 16.09.1978 passed by Sub Judge-VII, Siwan passed in Partition Suit No.55 of 1966/49 of 1978. The learned court below decreed the suit holding that the plaintiffs are entitled to ½ share in the suit properties mentioned in schedule-1 of the plaint.

During the pendency of this appeal, the respondent no.2 Jamadar Sah filed I.A.No.2505 of 2011 praying therein to accept the compromise which has been annexed as annexure-1 of the



petition. The office has reported that the said compromise petition is not supported by the affidavits of all the parties to the appeal and so the parties were directed to remove the defects. The defects pointed out by the office have not been removed in spite of sufficient opportunity. It appears that on account of settlement between the parties, they have left taking interest in getting this appeal disposed of on merit or on compromise.

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

(Sanjay Kumar, J)

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