

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.294 of 1987

=====

Late Bindeshwarri Singh through L.Rs & Ors

.... Appellant/s

Versus

Nandipat Sahni & Ors

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Abha Singh
Mr. Phulendra Kr.
Mr. Bimlendra Mishra

For the Respondent/s : Mr. Yogendra Pd. Sinha 1
Mr. Mithilesh Verma

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

24 15-02-2018 Respondent No.1 Nandipat Sahni had brought T.S.No.59 of 1972 for specific performance of contract against respondent No.2 Hira Sahni and respondent No.3 Mosmat Jirawan. The suit was decreed by the learned Trial Court against judgment and decree aforesaid. Appellant Bindeshwari Singh and others filed T.A.No. 02 of 1981 before the learned court below. The appeal was dismissed as devoid of any merit. Hence, this second appeal has been preferred.

 This appeal has already abated against respondent No.2 Hira Sahni and respondent No.3 Mosmat Jirawan for non-compliance of peremptory order dated 08.01.2018, whereby the appellants were directed to file requisites for sending notices on the substituted heirs of deceased respondent Nos.2 and 3



peremptorily within four weeks.

Perused the office note dated 12.02.2018.

The right to sue does not survive in absence of deceased respondent Nos.2 and 3 against whom the appeal has already abated. Therefore, whole appeal would abate.

Accordingly, it stands dismissed as abated.

(Birendra Kumar, J)

Nitesh/-

U			
---	--	--	--

