

IN THE HIGH COURT OF JUDICATURE AT PATNA

First Appeal No.557 of 1986

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Mohammad Ismail son of Late Faguni Mian, resident of Mauza Akbarpur,
Pitaunjhia, Police Station Warisnagar, District Samastipur.

.... Appellant

Versus

1. Mohammad Shafi son of Sindhu Mian
2. Bibi Sabiha Khatoon wife of Mohammad Shafi
3. Mohammad Shamim son of Mohammad Safi
4. Mohammad Sayeed son of Sindhu Mian
5. Bibi Jameela Khatoon, wife of Md. Sayeed
6. Badruz Zaman son of Mohammad Sayeed

All residents of Mauza Akbarpur, Pitaunjhia, P.S. Warisnagar, District
Samastipur.

.... Respondents

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Appearance :

For the Appellant/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

11 19-03-2018 Perused the office note.

It appears that the intervener defendant filed this appeal on 23.10.1986 against the judgment dated 24.05.1986 and decree dated 16.06.1986. As per office report, a petition for condoning the delay was required to be filed by the appellant. Accordingly, the appellant filed petition for condoning the delay. It further appears that the respondent nos.1 to 3 were noticed for hearing in limitation matter on 04.05.2017 but the requisites were not filed by the appellant. Thereafter on 24.07.2017, the appellant was again granted time upto two months for filing requisites with a condition that in the event of non-compliance of the order, the



limitation application was ordered to be dismissed without further reference to a Bench. Accordingly, the limitation application stood dismissed against the respondent nos.1 to 3.

The respondent nos.1 to 3 were plaintiffs before the court below and were the main contesting party. On account of dismissal of limitation application against the respondent nos.1 to 3, who were the main contesting party, this appeal has become incompetent.

Accordingly, this first appeal is dismissed.

(Sanjay Kumar, J)

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