

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.86 of 1984

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Anutha Kuer @ Rampati Kuer, D/o Ramdewan Singh and wife of Kamaldeo Singh, resident of village – Sohra, PS-Naubatpur, Distt.-Patna at present residing at village-Parari, PS-Bihta, District-Patna.

(Defendant no. 1) Appellant/s

Versus

Most. Mundrika Devi and Ors.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rama Kant Sharma
Mr. A.K.Thakur

For the Respondent/s : Mr. Sheo Dayal Singh
Mr. Baban Sharma
Mr. Arbind Azad
Mr. A.K.Jha
Mr. Lakshmi Kant Sharma
Mr. Shivendra Pd.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

18 04-09-2018

Perused the office note dated 29.08.2018.

Appellant before this Court was only contesting defendant in Title Suit No. 26/16 of 1966/74. The original respondent nos. 1 to 4 before this Court had filed the aforesaid suit on the file of Sub-Judge for declaration of their title and confirmation of possession over the land mentioned in schedule-I of the plaint and for recovery of possession over the land mentioned in schedule-II of the plaint. The suit was decreed by Additional Sub-Judge-VI, Patna as per judgment dated 23.12.1976. The defendant no. 1 being sole contesting defendant has filed this appeal against the plaintiffs and other defendants who were formal party to the suit. During the pendency of this



appeal, the respondent no. 1-Mundrika Devi and respondent no. 5-Ram Parikha Singh died on 21.08.1993 and 29.10.1985 respectively. The respondent nos. 10 and 11 died leaving no heir. The appellants were directed to file requisites for fresh appeal notice against the respondent nos. 2 to 4 and 6 to 9 within fifteen days. The said order was not complied with and on account of non-compliance of said order, the suit was ordered to be dismissed. Accordingly, the appeal stood dismissed on 03.04.1997 against respondent nos. 2 to 4 and 6 to 9. The plaintiff no. 1, who was respondent no. 1 in this appeal, died leaving behind respondent nos. 2 to 4 as her legal heirs. Thereafter, the appellant filed M.J.C. No. 1301 of 1997 for restoration of appeal against respondent nos. 2 to 4 and 6 to 9 which was also dismissed as per order dated 03.04.2015.

Thus, I find that on account of dismissal against all the plaintiffs, this appeal has become incompetent and is accordingly dismissed.

(Sanjay Kumar, J)

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