

IN THE HIGH COURT OF JUDICATURE AT PATNA

First Appeal No.44 of 2006

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State of Bihar through the Collector, Rohtas (Sasaram)

.... Appellant/s

Versus

1. Mehroon Nisa, wife of Late Masooque Alam
2. Matloob Alam, unsound mind, son of Late Masooque Alam, under the guardianship of Mehroon Nisa, the mother and next friend.
Both are resident of Vilage Nokha, P.S.-Nokha, District-Rohtas
3. Divisional Rail Manager, Eastern Railways, Mughalsarai, P.S.-Mughalsarai,
District-Varanasi
4. Union of India through Deputy Chief Engineer (Construction), Dehri-on-Sone,
P.S.-Dehri, District-Rohtas

.... Respondent/s

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Appearance :

For the Appellant	:	Mr. R.B.N. Singh, A.C. to G.A.-10
For the Railways	:	Mr. Ashok Kumar Keshari, Sr.Railway Advocate Ms. Seema Kumari, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

Date: 25-10-2018

It appears that the present appeal has been preferred against the same judgment, which was the subject-matter of F.A. No.66 of 2006, which had been filed before this Court and which was dismissed on the ground of limitation by this Court. It further appears that the Court had also directed the appellant to deposit the entire decretal amount with solatium and up-to-date interest, in accordance with law, within a period of three months from the date of the order i.e. 29.11.2007. The said payment was to be made to the decree-holders without the necessity of furnishing any security and a copy of the order was forwarded to the decree-holders. It further appears that this case has been lingering before this Court, though the connected



appeal has been dismissed much earlier.

The respondent has appeared in the case in I.A. No.6161 of 2018 and has brought the order dated 29.11.2007 passed in I.A. No.5619 of 2007 in F.A. No.66 of 2006. It thus appears that in view of the earlier direction, the present first appeal is rendered infructuous having arisen from the same judgment and decree. The present First Appeal No.44 of 2006 is dismissed as infructuous.

(Anjana Mishra, J)

PNM

AFR/NAFR	NAFR
CAV DATE	NA
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