

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.263 of 2002

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1. (a) Jaibun Nisa, Wife of Late Ibrahim Khan.

(b) Dilawar Khan.

(c) Majawar Khan.

(d) Meraj Khan.

All Sons of Late Ibrahim Khan.

(e) Madina Khatoon.

(f) Mobina Khatoon.

(g) Sabina Khatoon.

All Daughters of Late Ibrahim Khan.

All residents of Village-Barari Harkesh, P.S.-Mirganj, at
present Uchkagaon, District-Gopalganj.

.... Appellant/s

Versus

1. Aisuddin Khan, Son of Razzaque Khan.

2. Taslima, Wife of Late Mainuddin Khan.

3. Khurshed Khan.

4. Nurshed Khan.

5. Kamran Khan @ Kamurun Khan.

All three Sons of Mainuddin Khan (wrongly mentioned
Najruddin Khan).

6. Hamida.

7. Samida @ Samijna.

8. Rabina @ Rajava.

9. Sahina @ Salima.

All four Daughters of Late Mainuddin Khan (wrongly
mentioned Nairuddun Khan).

10. Samrun @ Sumrun, D/o Razaque Khan.

11. Chhote Khan @ Chhote Mian (wrongly mentioned Son
of Razzaque Khan).

12. Niyamuddin Khan @ Nizamuddin Khan.



13. Zainudin Khan.

14. Noorruddin Khan.

All four Sons of Late Tahsildar Khan.

All residents of Village-Barari Harkesh, P.O.-Manbodh Parsuni, P.S.-Mirganj, at present Uchkagaon, District-Gopalganj.

.... Respondent/s 1st Set

15. Bibi Fatma, Wife of Qasim Khan.

16. Bibi Amirul, Wife of Talib Khan.

Both Daughters of Late Tahsildar Khan.

17. Bibi Jumaratan @ Bibi Jumratan, Wife of Muslim Khan.

All residents of Village-Barari Harkesh, P.O.-Manbodh Parsauni, P.S.-Mirganj, at present Uchkagaon, District-Gopalganj.

.... Respondent/s 2nd Set

18. Shamsoda Khan.

19. Buniyad Khan.

20. Jauwad Khan @ Jawed Khan.

All three Sons of Late Ali Raza Khan.

21. Sakina @ Narimonu, Daughter of Late Ali Raza Khan.

22. Sarajul Khan, Son of Aziz Khan.

23. Kariza @ Kuriza.

24. Bintun @ Birtun.

25. Maimun Nesa.

All three Daughters of Aziz Khan.

26. Mohamad Raza Khan, Son of Late Jamadar Khan.

All 18 to 26 are residents of Village-Barari Harkesh, P.O.-Manbodh Parsauni, P.S.-Mirganj, at present Uchkagaon, District-Gopalganj.

.... Respondent/s 3rd Set

27. Baleshwar Chaudhary, Son of Puran Chaudhary, resident of Village-Maripur, P.S.-Mirganj, District-Gopalganj.

.... Respondent



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Appearance :

For the Appellant/s : None

For the Respondent No. 17 : Mr. Ranjeet Kumar, Adv.

For the Respondent Nos. 18-25 : Mr. Anil Singh, Adv.

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

18 15-01-2018

Reg. I.A. No. 1617 of 2005:-

Today also there is no representation on behalf of the appellants.

This Court's order, dated 20.11.2017, has not been complied with, which was peremptory in nature.

By operation of the said order, dated 20.11.2017, I.A. No. 1617 of 2005 stands dismissed.

Reg. S.A. No. 263 of 2002:-

I.A. No. 1617 of 2005 has been filed for substitution of heirs and legal representatives of deceased respondent No. 1 after setting-aside the abatement, if any, and condoning the delay.

Consequent upon dismissal of I.A. No. 1617 of 2005 for default, the appeal finally abates as against respondent No. 1. The appeal, in my view, shall abate as a whole, as it can not proceed in the absence of respondent



No. 1.

The appeal stands dismissed.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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