

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**FIRST APPEAL No.417 of 1980**

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SMT. BANARSI DEVI, w/o late Mathura Prasad Agrawal, resident of Jainagar, P.S.-Jainagar, District- Madhubani.

... .. Appellant/s

Versus

Life Insurance Corporation of India with its Central Office (Head Office) at Yogchhema Building, Jeewan Bima Marg, Bombay, through its Chairman.

... .. Respondent/s

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**Appearance :**

|                      |   |                                |
|----------------------|---|--------------------------------|
| For the Appellant/s  | : | None                           |
| For the Respondent/s | : | Mr. Rakesh Kumar, Advocate     |
|                      |   | Mr. Abhimanyu Vatsa, Advocate  |
|                      |   | Mr. Rajni Kant Singh, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

17/ 18-04-2019

None appeared on behalf of the Appellant.

Counsel for the Respondent is present.

This First Appeal has been filed against the judgment and decree dated 08.12.1979 passed by the 2<sup>nd</sup> Additional Sub-ordinate Judge, Madhubani, in Money Suit No.103 of 1970.

Money suit was filed by the Plaintiff-Appellant against the Defendant-Respondent for decree of Rs.55,000/- (fifty five thousand) including the amount of Policy No.29520422 issued by the Defendant-Respondent on the life of her husband, Mathura Prasad Agarwal, who died on 29.05.1967, which was to be matured on completion of 15 years in the year 1980. The suit filed by the Plaintiff-Appellant was dismissed on contest. Thereafter, Plaintiff-Appellant has filed the instant



appeal.

The direct notice was issued to the Appellant because neither lawyer for Appellant nor Respondent appeared in Court.

The service report of notice on Appellant was accepted as valid by order dated 25.01.2017, since neither A/D nor registered cover was received.

The Respondent has already appeared through lawyer.

The counsel for the Respondent is present today in Court.

In view of such, it appears that Appellant has lost interest to contest the appeal. The appeal is of the year 1980.

Therefore, the appeal is dismissed for non-prosecution by the Appellant.

**(Sanjay Priya, J)**

J. Alam/-

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