

IN THE HIGH COURT OF JUDICATURE AT PATNA
FIRST APPEAL No.364 of 1984

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1. SAFIUDDIN, son of late Mohammad Habib,
 2. Samiruddin, son of Late Mohammad Habib, both resident of Mauza Bishanpur alias Rampur Tola, Bakari Pergana, Badey Bhusari, P.S.-Khodabanpur, S.R, S.D. and District- Begusarai,

... .. Appellant/s

Versus

1. SANAULLAH, son of late Suleman,
- 1(a) Samiullah, son of late Suleman,
- 1(b) Majudan Khatoon, daughter of late Suleman, wife of Moti Mian,
- 1(c) Rukaiya Khatoon, wife of Md. Sidique, daughter of Late Md. Suleman,
- 1(d) Firoza Khatoon, wife of Lalbabu, D/o late Md. Suleman,
- 1(e) Muni, daughter of late Md. Suleman,
- 1(f) Most. Jaibun, wife of late Md. Suleman,
2. Most. Khairun Nissa, (Dead), daughter of Ramzan Ali, all resident of village- Bishanpur alias Rampur Tola Bakari Pergana, Badey Bhusari, P.S.- Khodabanpur, SR, SD and District- Begusarai,
3. Mostt. Batulan, (Dead), daughter of Fida Hussain,
4. Abulkhair, son of Md. Ismail,
5. Md. Eyeeha, son of Md. Akbal,
6. Md. Eyakub, son of Md. Akbal,
7. Most. Naima Khatoon, daughter of Md. Akbal,
8. Most. Faitun, daughter of Md. Akbal,
9. Md. Yunus, son of Nabab,
10. Most. Samidun Nisa, daughter of Nabab,
11. Gulam Md., son of Sk. Takkan, all resident of village- Bishanpur alias Rampur Tola Bakari, P.S.-Khodabanpur, SR,SD and District- Begusarai, tola Bakari.

... .. Respondent/s

Appearance :

For the Appellant/s : None
For the Respondent/s : None

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

17/ 23-04-2019

By order dated 08.01.2019, four weeks' peremptory

time was given to the Appellants to take steps for issuance of appeal notice against Respondent No.1(e), but the same has not been complied with.



None has appeared on behalf of the Appellants.

From the impugned judgment, it appears that Plaintiffs had filed suit in the Court below for partition of 2/11 share in the suit land described in Schedule-II of the plaint. Suit of the plaintiffs was dismissed. The plaintiffs are Appellants in this appeal.

The appeal stood dismissed as against Respondent No.1(e) for non-compliance of the peremptory order dated 08.01.2019. This appeal arises out of Partition Suit. Every co-sharer is necessary party.

Therefore, dismissal of the appeal with respect to one of the co-sharer i.e. Respondent No.1(e) will make the entire appeal incompetent.

Accordingly, the appeal is dismissed as having become incompetent.

(Sanjay Priya, J)

J. Alam/-

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