

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.386 of 1998

1. Sk. Chamaru.
2. Sk. Hairanu alias Hafizuddin.
Both sons of late Mubarak Ali, Resident of Village Dhangarha Pargana
Fatehpur Singhia, P.S. Dighal Bank, District Kishanganj.

... .. Plaintiffs... ..Appellants... ..Appellants
Versus

1. Ali Hasan, Son of Saheb Ali.
2. Most. Ajmeran, Wife of Late Sattar Ahmad.
3. Ajim, Son of Late Sattar Ahmad.
4. Nasim, Son of Late Sattar Ahmad.
5. Sk. Halim, Son of Late Saheb Ali.
6. Sahud, Son of Most. Jhariman.
7. Most. Saliman, D/o Late Saheb Ali.
8. Most. Momina, D/o Late Saheb Ali.
9. Most. Gulsehra, D/o Late Saheb Ali.
10. Sk. Bhola alias Wali Ahmad, Son of Aulad Ali.
11. Most. Taifun, D/o Aulad Ali.
12. Most. Ajmeran, W/o Khalil.
13. Most. Domini, D/o Khalil.
14. Rahmat Ali, Son of Amir Bux.
All residents of Village Dhangarha Tola Fatehpur Singhia, P.S. Dighal Bank,
District Kishanganj.

... .. Defendants... ..Respondents... ..Respondents

Appearance :

For the Appellant/s : Mr. Anamul Haque
For the Respondent/s : Mr. Anjani Kumar-1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

8 05-02-2019 This appeal has already been dismissed against respondents no.4, 7 and 11 due to non-compliance of the peremptory order. The appeal was filed by the appellants against the respondents in whose favour the record of rights was prepared and the order was passed by the Collector in exercise of jurisdiction vested under Section 108A of the B.T. Act, 1885. The order of the Collector is appealable under Section 109A of



the Act before the Special Judge. Accordingly, the suit as well as the appeal for setting aside the aforesaid order making entry in the name of the respondents have been dismissed.

If the appeal against respondents no.4, 7 and 11 is dismissed, appeal against remaining respondents shall not survive on the facts and law.

Accordingly, the second appeal is dismissed against all the respondents.

(Prabhat Kumar Jha, J)

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