

IN THE HIGH COURT OF JUDICATURE AT PATNA
SECOND APPEAL No.62 of 2003

Lalita Devi and Ors.

... .. Appellant/s

Versus

Nagina Singh and Ors.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bishwa Nath Choudhary
For the Respondent/s : Mr.Mallika Mazumdar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

14 29-04-2019 The appellants are plaintiffs. The plaintiffs filed the suit against defendants-respondents for declaration that the sale held in respect of suit land on 26.03.1971 in Title Execution Case No.57 of 1968 is fraudulent, collusive and without the knowledge of the plaintiffs and the delivery of possession held on 26.03.1971 has not been effected on the spot and thus, right, title, interest and possession of the plaintiffs has not been effected. The suit was dismissed. The plaintiffs filed Title Appeal No.68 of 1989 and the same was also dismissed.

The plaintiffs again filed this Second Appeal but due to non-compliance of the peremptory order dated 19.02.2019, the appeal stood dismissed against respondent Nos.1, 3(i), 3(iii) to 3(v) and 6(i) to 6(iv). Now, the office placed the case as to whether this appeal will proceed further in absence of respondent Nos.1, 3(i), 3(iii) to 3(v) and 6(i) to 6(iv).



It appears that same and similar relief was sought for against other respondents and the judgment is not separable. In order to avoid conflicting judgment, this Second Appeal is dismissed as a whole.

Accordingly, this second appeal is dismissed.

(Prabhat Kumar Jha, J)

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