

IN THE HIGH COURT OF JUDICATURE AT PATNA
SECOND APPEAL No.238 of 2003

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MOHAN LAL and ORS

... .. Appellant/s

Versus

KIRAN YADAV and ORS

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Pushkar Narain Shahi
For the Respondent/s : Mr.Neeraj Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

15 16-05-2019 This appeal has already been dismissed against respondent nos.4, 6 and 7 due to non-compliance of peremptory order dated 17.05.2016. The office sought direction whether this appeal will proceed further in absence of respondent nos.4, 6 and 7.

The plaintiffs filed the suit for eviction of the defendants. The trial court decreed the suit on contest and directed the defendants to vacate the suit premises. On appeal preferred by the defendants, the first appellate court set aside the judgment and decree passed by the trial court holding that the trial court travelled beyond its jurisdiction in deciding the title of the plaintiffs in eviction suit. Against which, the plaintiffs-appellants filed this appeal. The appeal has already been dismissed against respondent nos.4, 6 and 7. There is a common



judgment and the judgment is inseparable and in order to avoid conflicting and contradictory judgment, the appeal has to be dismissed.

Accordingly, this appeal as a whole stands dismissed.

(Prabhat Kumar Jha, J)

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