

IN THE HIGH COURT OF JUDICATURE AT PATNA
SECOND APPEAL No.145 of 2002

Sachidanand Singh and Ors

... .. Appellant/s

Versus

Gauri Shankar Singh and Anr

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arbind Kumar Singh

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

14 20-06-2019

This appeal has already been dismissed against respondent Nos.2 and 3 due to non-compliance of the peremptory order dated 04.04.2019. Plaintiffs are the appellants. Plaintiffs filed the suit for declaration of title and confirmation of possession for the properties mentioned in Schedule A, B, C and D of the plaint. The trial court declared the title of the plaintiffs and confirmed the possession only over the lands mentioned in Schedule D of the plaint and did not find the title and possession of the plaintiffs over Schedule A, B and C of the plaint and accordingly, the suit was partly allowed. The first appellate court also dismissed the appeal. The judgment and decree is inseparable and, therefore, if the appeal against respondent Nos.2 and 3 is dismissed due to non-compliance and respondent No.1 has already died, the entire appeal shall abate.

Accordingly, the Second Appeal is dismissed as a whole.

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(Prabhat Kumar Jha, J)

