

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.90 of 2002

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GANESH YADAV & ORS

... .. Appellants

Versus

HURO YADAV & ORS

... .. Respondents

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Appearance :

For the Appellant/s : Mr.Subodh Kumar I
For the Respondent/s : Mr.Ram Sumiran Rai

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

13 14-02-2019 Heard learned counsel for the appellants.

Learned counsel for the appellants submits that by order dated 13.12.2010 the appellants were directed to file substitution petition of deceased respondent nos.1, 5 and 6 within six weeks and the appellants were also directed to take steps for issuance of fresh appeal notice upon respondent no.7 through ordinary process as well as registered post with A/D but the appellants did not turn up in spite of information given to them. The appeal stood dismissed against respondent nos.1, 5, 6 and 7 for non-compliance of peremptory order dated 13.12.2010. The office pointed out whether the appeal shall survive against other respondents. The relevant facts are that the appellants are purchasers from a widow. The plaintiffs filed the suit for cancellation of sale deed on the ground that the widow had no right to execute the sale deed. The suit was allowed. The



lower appellate court dismissed the appeal of the appellants. This court admitted the second appeal but it appears that the contesting respondents are respondent nos.1, 5, 6 and 7 and appeal has already been dismissed against them, therefore, this appeal will not survive against others.

Accordingly, this second appeal is dismissed as a whole.

(Prabhat Kumar Jha, J)

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