

IN THE HIGH COURT OF JUDICATURE AT PATNA
SECOND APPEAL No.133 of 2004

JAGNI DEVI

... .. Appellant/s

Versus

DOMAN YADAV and ORS

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rana Ishwar Chandra
For the Respondent/s	:	Mr.Anil Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

9 02-09-2019 The appeal has already been dismissed against proposed legal heirs of respondent Nos.3 and 5 for not filing substitution petition of deceased respondent Nos.3 and 5.

The appellant is the plaintiff. The appellant-plaintiff filed the suit for partition of the lands mentioned in Schedule on the ground that the plaintiff-appellant and respondents-defendant Nos.1 and 2 jointly purchased the land from Sumitra Devi and on the basis of such, the plaintiff filed the suit for partition and to carve out her share but the suit filed by the plaintiff-appellant as well as the First Appeal filed by the plaintiff-appellant stood dismissed. This Second Appeal also stood dismissed against respondent Nos.3 and 5 due to non-compliance of the peremptory order to file substitution petition of deceased respondent Nos.3 and 5. The same and similar relief is sought against other respondents.



In this view of the fact, in order to avoid contradictory judgment, the appeal as a whole has to be dismissed. Accordingly, this Second Appeal as a whole stands dismissed.

(Prabhat Kumar Jha, J)

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