

IN THE HIGH COURT OF JUDICATURE AT PATNA
SECOND APPEAL No.361 of 2004

ALLAUDIN and ORS	Versus	 Appellant/s
MAHAMMAD ALI and ORS		 Respondent/s

Appearance :

For the Appellant/s	:	Mr.Dineshwar Mishra
For the Respondent/s	:	Mr.Pramod Ban Bihari Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

20 21-10-2019 The office has placed the record for consideration whether the appeal will proceed further in absence of proposed legal heirs of deceased respondent no.3(i) and respondent nos.2 (iv) to 2(vi) as the appeal has already been dismissed against the proposed legal heirs of deceased respondent no.3(i) and respondent nos.2 (iv) to 2(vi) due to non-compliance of order dated 26.08.2019.

The defendants are the appellants. The plaintiffs filed the suit for partition of the suit property mentioned in Schedule II and III of the plaint and to carve out 1/3rd and 1/4th share in the suit property. The suit was decreed. The title appeal was filed by the defendants was also dismissed. The judgment is inseparable and, therefore, to avoid contradictory judgment, the second appeal as a whole has to be dismissed. Accordingly, the second appeal as a whole is dismissed.

(Prabhat Kumar Jha, J)

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