

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.351 of 2000

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JAI NARAIN PRASAD YADAV

... .. Appellant/s

Versus

BHARAT SAHU and ORS

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Vijay Kumar Sinha No-1
For the Respondent/s : Mr.Saghir Ahmad

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

11 06-02-2019 The office note shows that this appeal stood dismissed as against respondent No.1 on 19.05.2018 on account of non compliance of peremptory order dated 07.05.2018 and the record is placed as to whether in absence of respondent No.1 the appeal shall proceed further.

On perusal of the records, it appears that respondent No.1 is plaintiff, who filed the suit for declaration of title and confirmation of possession and in alternative for recovery of possession on the basis of settlement made in his favour. The suit was dismissed but the first appellate court, on appeal being filed by respondent No.1, set aside the judgement and decree passed by the trial court. It is evident that respondent No.1 is only contesting respondent in this appeal and if the appeal stood dismissed against respondent No.1 the appeal shall not proceed further against other respondents.

Accordingly, this appeal is dismissed as a whole.

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(Prabhat Kumar Jha, J)

