

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.29 of 1995

CHANDESHWAR RAI and ANR

... .. Appellant/s

Versus

KHAIROON BIBI and ORS

... .. Respondent/s

Appearance :

For the Appellant/s : None
For the Respondent/s : Mr.-

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

14 07-02-2019 Nobody appears on behalf of the appellants.

Plaintiffs-respondents are appellants. Plaintiff filed the suit for recovery of possession of the suit land and cancellation of deed of gift dated 17.11.1984 executed in favour of defendant no.2 by Abdul Sattar Miyan who was original defendant no.1. The suit was decreed but the appeal preferred by the defendants Khairon Bibi and others, appellants in Title Appeal No.11 of 1993 was allowed and held that the plaintiff has got no title over the land. The plaintiff preferred the second appeal. The second appeal stood dismissed against substituted legal heirs of respondent no.3 on account of non-compliance of the peremptory order. It is evident that the same and similar relief is sought for against all the three respondents.

In this view of the fact, once the appeal stood dismissed against substituted legal heirs of respondent no.3, the



appeal shall not survive against respondents no.1 and 2 also.

Accordingly, this appeal as a whole is dismissed.

(Prabhat Kumar Jha, J)

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