

IN THE HIGH COURT OF JUDICATURE AT PATNA
SECOND APPEAL No.111 of 2009

MAHZIDAN and ORS

... .. Appellant/s

Versus

SAKINA BIBI and ORS

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Sinha

For the Respondent/s : Mr.Nityanand Mishra

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

22 19-09-2019 The appeal has already been dismissed against respondent Nos.5 to 7 due to non-compliance of the order dated 05.04.2018.

The plaintiffs-respondents filed the suit for declaration of title, confirmation of possession and if dispossessed, for recovery of possession and for restraining the defendants from interfering into the possession of the plaintiffs. The suit was decreed on contest against respondent Nos.1 to 15 and ex pare against respondent No.16 and 16(ka). The appeal preferred by the appellants being Title Appeal No.38 of 2007 was also dismissed. Since the judgment and decree is inseparable, therefore, once the appeal stood dismissed against respondent Nos.5 to 7, in order to avoid the conflicting judgment, the appeal as a whole has to be dismissed.

Consequently, this second appeal as a whole is dismissed.

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(Prabhat Kumar Jha, J)

