

IN THE HIGH COURT OF JUDICATURE AT PATNA
SECOND APPEAL No.113 of 1997

SHIV NANDAN THAKUR and ORS

... .. Appellant/s

Versus

LALPARI DEVI and ORS

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nand Kishor Singh
For the Respondent/s : Mr.Surya Kant Mishra

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

15 13-11-2019 This appeal has already been dismissed against the legal heirs of respondent No.2. The office has placed office notes as to whether the appeal shall proceed against other respondents.

The appellants are plaintiffs. Respondent Nos.1 and 2 are the defendants 1st set. The plaintiffs filed the suit for declaration of title and recovery of possession. The suit was decreed holding that the plaintiffs have got title and ordered for recovery of possession. Defendants 1st set preferred title appeal which was allowed by the first appellate court dismissing the suit. One of the defendants 1st set-respondent No.2 died and his legal heirs could not be substituted due to non-filing of substitution petition within peremptory time. The judgment is inseparable.



In this view of the fact, the second appeal as a whole
has to be dismissed. Accordingly, this second appeal as a whole
is dismissed.

(Prabhat Kumar Jha, J)

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