

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**SECOND APPEAL No.20 of 2006**

SUDHIR SINGH

... .. Appellant/s

Versus

RAM DAYAL SINGH and ORS

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Suresh Prasad Bhakta  
For the Respondent/s : Mr.Sanjay Kumar @ Manu

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

11    30-04-2019

With reference to office note whether the appeal will survive against respondent No.1 even though the appeal has already been dismissed against respondent No. 2 to 5 on 05.04.2019 due to non compliance of peremptory order, it appears that plaintiff is the appellant. The plaintiff filed the suit for declaration of title over the land mentioned in schedule-B of the plaint and further that the defendant be restrained from interfering into peaceful possession of the plaintiff over the land mentioned in schedule-B of the plaint. The suit was dismissed. The first appellate court also dismissed the appeal and thereafter the appellants have preferred this Second Appeal. Same and similar relief was sought for by the plaintiff against all the defendants.

In this view of the fact, it appears that the judgement and decree is inseparable and once the Second Appeal is dismissed against respondent No. 2 to 5, in order to avoid the conflicting judgement, the appeal as a whole has to be dismissed.

Accordingly, this Second Appeal as a whole stands dismissed.

BKS/-

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**(Prabhat Kumar Jha, J)**

