

**IN THE HIGH COURT OF JUDICATURE AT PATNA
SECOND APPEAL No.270 of 2008**

LAKHAN GOSAIN @ LAKHAN GOSWAMI	 Appellant/s
Versus	
KAMLESWARI YADAV and ORS	 Respondent/s

Appearance :

For the Appellant/s	:	Mr.M.Nasrul Huda Khan
For the Respondent/s	:	Mr.Arvind Kumar Singh

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

11 15-10-2019 The appeal has already been dismissed against respondent nos.3 to 5 on 21.08.2019 due to non-compliance of peremptory order dated 07.08.2019.

The defendant is the appellant. The plaintiff-respondent no.1 filed the suit for declaration of title and for restraining the defendants from interfering into the peaceful possession of the plaintiff over the land mentioned in Schedule A of the plaint. The suit was dismissed. The first appellate court allowed the appeal and held that the plaintiff has got title over the land. The judgment is inseparable and, therefore, in order to avoid contradictory judgment, the appeal as a whole has to be dismissed. Accordingly, the second appeal as a whole is dismissed.

(Prabhat Kumar Jha, J)

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