

IN THE HIGH COURT OF JUDICATURE AT PATNA
SECOND APPEAL No.26 of 2007

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SMT.KESHRA DEVI and ORS

... .. Appellant/s

Versus

GYASUDDIN SAIN and ORS

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ashok Kumar

For the Respondent/s : Mr.Sharjeel Mahmood Hashmi

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

12 23-07-2019 The second appeal has already been dismissed for default against Respondents No.6, 8, 10 to 16, 18, 22 to 26 and 28 and also against proposed heirs of deceased Respondent No.19.

 The plaintiffs-respondents filed the suit for declaration that the *Kabristan* land is of their ancestral property and the respondents be directed not to interfere into their peaceful possession and further not to construct any construction on the disputed land. The defendants-respondents filed this appeal. The judgment and decree is inseparable. Once the appeal is dismissed against some of the respondents, the appeal has to be dismissed against all the respondents as the judgment and decree is inseparable.

 Accordingly, the appeal as a whole shall stand abated.

(Prabhat Kumar Jha, J)

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