

IN THE HIGH COURT OF JUDICATURE AT PATNA
SECOND APPEAL No.129 of 2002

KAUSHILYA DEVI and ORS

... .. Appellant/s

Versus

BACHANI DEVI and ORS

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shambhu Sharan Singh
For the Respondent/s : Mr.Maheshwar Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

19 15-11-2019 The appeal on account of non-compliance of peremptory order dated 15.05.2019 has already been dismissed on 02.07.2019 against respondent no.4. The office has placed this second appeal whether the appeal shall proceed further in absence of respondent no.4.

The plaintiff filed the suit for right of easement against the respondents. The suit was partly decreed. Bachani Devi one of the respondents filed Title Appeal No.92 of 1999. The appeal was allowed and the suit was dismissed on contest. The claim of the right of easement of the plaintiff is dismissed against all the respondents.

Since the appeal against respondent no.4 is dismissed and the judgment is inseparable, in this view of the fact, the appeal as a whole has to be dismissed. Consequently the appeal as a whole is dismissed.

(Prabhat Kumar Jha, J)

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