

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Second Appeal No.5 of 2001**

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KAMRU NISHA & ORS

... .. Appellant/s

Versus

SK.SADRU

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Md.Najmul Hoda No-2  
For the Respondent/s : Mr.

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

14    08-02-2019                      The plaintiffs filed the suit for declaration of their right and title over the land of Khesra No.961 Khata No.94 area half decimal situated in village Sahaura, P.S.-Chandradeep fully described in Schedule I of the plaint. The suit of the plaintiffs was dismissed. The plaintiffs filed Title Appeal No.31 of 1999 and the appeal of the plaintiffs was also dismissed on contest. Again plaintiffs filed present second appeal. During pendency of second appeal, the appellants were directed to file requisition for issuance of show-cause notice on the proposed respondent nos.1(ii) to 1(iv), 1(vi) and 1(vii) through speed post with A/D but the peremptory order dated 09.02.2018 was not complied with. Consequently, the appeal stands dismissed against the concerned proposed respondents. Since the plaintiffs sought relief for declaration of their right and title on the disputed land and recovery of possession from the defendant-respondent but



the appeal stands dismissed against the proposed respondent nos.1(ii) to 1(iv), 1(vi) and 1(vii), therefore, this appeal shall stand abated as a whole.

Accordingly, the second appeal is dismissed as a whole.

**(Prabhat Kumar Jha, J)**

Harish/-

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