

IN THE HIGH COURT OF JUDICATURE AT PATNA
SECOND APPEAL No.253 of 2005

NARBDESHWAR SINGH

... .. Appellant/s

Versus

SHYAM BIHARI SINGH and ORS

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

13 03-04-2019 Nobody appears on behalf of the appellant.

Learned counsel for the respondents is present.

This Second Appeal is listed under the heading for orders on office notes whether the appeal will survive against other respondents as the same stood dismissed for default on 25.06.2018 against respondent No.5 due to non-compliance of the peremptory order.

The plaintiff is the appellant. Plaintiff filed the suit for declaration of title and confirmation of possession over the lands mentioned in Schedule I of the plaint and for declaration that the defendants have no concern with the lands mentioned in Schedule I of the plaint. The trial court partly decreed the suit holding that the plaintiff has got title on only 3 ½ decimals of land which is in extreme western portion of the suit land shown in red colour and also confirmed the possession. The first



appellate court affirmed the finding of the trial court and dismissed the appeal. The plaintiff again sought same and similar relief against all the defendants for declaration of title and confirmation of possession on the remaining part of the land mentioned in Schedule I of the plaint but due to non-compliance of the peremptory order, the appeal has been dismissed against the respondent No.5. To avoid the contradictory judgment, the appeal shall stand dismissed against other respondents also. Accordingly, the appeal as a whole shall stand dismissed.

(Prabhat Kumar Jha, J)

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