

IN THE HIGH COURT OF JUDICATURE AT PATNA
SECOND APPEAL No.246 of 2005

RAM EKBAL KEWAT and ORS

... .. Appellant/s

Versus

GANESH KEBAT and ORS

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mallika Mazumdar
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

22 25-10-2019 The appeal has already been dismissed against the legal heirs of deceased respondents no.6, 11, 25 and 26 as no substitution petition was filed within time. The office has placed this record whether the appeal shall proceed further in absence of heirs of respondents no.6, 11, 25 and 26. The plaintiff filed the suit for partition of half share in the suit property and to carve out separate *patti*. The suit was decreed. The defendant second set filed Title Appeal No.22 of 2000 and the learned Additional Judge by judgment and decree dated 13th of June, 2005 held that the plaintiffs are not the descendants of Soman Kewat @ Gyani Kebat, son of Fakira Kebat. It is also held that the plaintiffs are not entitled to get partition and accordingly allowed the appeal and dismissed the suit. The plaintiff filed the second appeal, therefore, it appears that the judgment is inseparable and the appeal has already been dismissed against



legal heirs of respondents no.6, 11, 25 and 26. In order to maintain conformity, the appeal as a whole has to be dismissed.

Accordingly, the appeal as a whole is dismissed.

(Prabhat Kumar Jha, J)

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