

IN THE HIGH COURT OF JUDICATURE AT PATNA
SECOND APPEAL No.54 of 2007

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JANKRAJ UPADHYAY and ORS

... .. Appellant/s

Versus

RAMAYAN UPADHYAY and ORS

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Rajani Kant Pandey
For the Respondent/s : Mr.Kumar Sunil

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

16 03-07-2019 Second Appeal has already been dismissed due to non-compliance of peremptory order dated 19.04.2019 against respondent nos.6 to 13, 15, 16, 18 and 19 and against the legal heirs of respondent nos.14 and 17.

The office has placed this record with note that whether this appeal will proceed further in absence of the aforesaid respondents? The plaintiffs filed the suit for declaration of the sale deed executed by defendants 1st set in favour of defendants 2nd set as illegal and not operative and also for declaration that the compromise in partition suit is illegal. The suit was decreed. Defendants 2nd set preferred Title Appeal No.78 of 1994 which was dismissed. The judgment passed against respondents are inseparable and if the second appeal is dismissed against the aforesaid respondents, the whole appeal has to be dismissed.



In this view of the fact, this second appeal is dismissed, as a whole.

(Prabhat Kumar Jha, J)

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