

IN THE HIGH COURT OF JUDICATURE AT PATNA
SECOND APPEAL No.238 of 2006

HIRAMATI DEVI

... .. Appellant/s

Versus

MUNIYA DEVI and ORS

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nagendra Rai
For the Respondent/s : Mr.Navin Nikunj

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

11 05-07-2019 Mr. Nagendra Rai holding power on behalf of the
appellant submits that appellant has already taken file from him.

This appeal stood dismissed against respondent No. 5
to 12, 16 and 17 on 10.05.2019 due to non compliance of
peremptory order and the office placed this record whether the
appeal shall survive against other respondents.

The plaintiffs are respondents. The plaintiffs filed suit
for declaration that compromise took place in Partition Suit No.
7 of 1976 in the court of Sub Judge-II Chapra and two sale
deeds executed by defendant No.1 and defendant No.7 is illegal,
void, inoperative and the same is not binding on the plaintiffs.
The suit was decreed. The defendants preferred Title Appeal 37
of 1996 and the same was also dismissed thereafter the
defendants preferred the present Second Appeal.

Since the judgement is inseparable on account of the



fact that compromise decree arrived at in Partition Suit No. 7 of 1976 is declared as illegal and the sale deeds executed by defendant No. 1 and 7 in favour of defendant 2nd set are also declared to be illegal and not binding on the plaintiffs.

In this view of the fact, if the appeal is dismissed against respondent No. 5 to 12, 16 and 17 in order to avoid conflicting judgement, the appeal as a whole has to be dismissed.

Accordingly, this Second Appeal is dismissed.

(Prabhat Kumar Jha, J)

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