

IN THE HIGH COURT OF JUDICATURE AT PATNA
SECOND APPEAL No.42 of 2007

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YOGENDRA PANDEY and ANR

... .. Appellant/s

Versus

SUNAINA DEVI and ORS

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Rama Sinha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

15 04-11-2019

The appeal has already been dismissed against respondent Nos.2 and 4. Now the office has placed this record whether the appeal shall proceed further in absence of respondent Nos.2 and 4.

The defendants 1st set are the appellants. The plaintiff filed the suit for declaration that she is the daughter of Lakshman Pandey of village-Baluwa, P.S.-Barhara, District-Bhojpur and she claims 1/8th share in the suit property and also prayed for injunction. The suit was decreed. The first appellate court held that the plaintiff is entitled to 1/18th share and modified the judgment and decree passed by the trial court and partly allowed the appeal. Respondent No.2 is one of the plaintiffs and if the appeal is dismissed against respondent Nos.2 and 4, the appeal as a whole has to be dismissed in order to avoid contradictory judgment.

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

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(Prabhat Kumar Jha, J)

