

IN THE HIGH COURT OF JUDICATURE AT PATNA
SECOND APPEAL No.283 of 2007

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BINDESHWARI PODDAR and ORS

... .. Appellant/s

Versus

SMT. GITA DEVI and ORS

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Krishna Ballabh Sharma

For the Respondent/s : Mr.Nilendu Kumar Choudhary

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

- 11 24-10-2019 The appeal has already been dismissed against respondent No. 6 and legal heirs of deceased respondent No. 5 and 7 due to non compliance of peremptory order dated 26.07.2019. The office has placed the record whether the appeal will proceed further in absence of respondent No. 6 and legal heirs of deceased respondent No. 5 and 7. The respondent No. 6, 5 and 7 were the plaintiffs along with other respondents including Smt. Geeta Devi, Pappu Sah and others. The plaintiffs filed the suit for declaration of title and confirmation of possession over the land and for declaration that the defendants have no manner of concern with the suit land. The first appellate court allowed the appeal and decreed the suit. The defendants filed appeal. Same and similar relief were granted to all the respondents and in this view of the fact the judgement is inseparable, therefore, if the appeal is dismissed against respondent No. 6 and legal heirs of deceased respondent No. 5



and 7, the entire appeal has to be dismissed.

Accordingly, this Second Appeal as a whole is dismissed.

(Prabhat Kumar Jha, J)

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