

IN THE HIGH COURT OF JUDICATURE AT PATNA
FIRST APPEAL No.419 of 1980

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1. Uma Charan Ram @ Uma Shankar Prasad, son of Late Sri Charan Ram.
 2. Gayetri Devi, widow of Late Jugal Kishore Prasad.
 3. Narendra Kumar, son of Late Jugal Kishore Prasad.
 4. Suresh Kumar, son of Late Jugal Kishore Prasad.

... .. Defendants-Appellants

Versus

1. Nand Kishore Prasad (since deceased) substituted by following legal heirs:-
(A) Smt. Saroj Devi, w/o of Late Nand Kishore Prasad, 1(B) Anil Kumar,
1(C) Sunil Kumar, both are sons of Late Nand Kishore Prasad, 1 (D) Naresh
Kumar, son of Late Nand Kishore Prasad, 1(E) Anita Kumari, D/o Late Nand
Kishore Prasad, 1(F) Neelam Kumari, D/o Late Nand Kishore Prasad, 1(G)
Renu Kumari, D/o Late Nand Kishore Prasad, resident of Mohalla-Murarpur
Khaira, Ahmad Road, P.S.-Kotwali, Distt.-Gaya

... .. Plaintiff-Respondent 1st set Party

2. Bedamo Kuer (since deceased) substituted by her legal heirs:-R(2a) Lalita
Devi, daughter, R(2a) Ratan Devi, daughter.
3. Vijay Kumar, S/o Sri Bihari Lal
4. Smt. Champa Devi, D/o Late Sri Bihari Lal, wife of Birendra Kumar.
5. Madhuri Kumari, D/o Late Sri Bihari Lal.
6. Most. Sukari Devi, widow of late Sri Bihari Lal.
7. Rukmini Devi, widow of Late Sri Chote Lal.
8. Ashok Kumar
9. Anup Kumar
- Both Respondent nos. 8 and 9 are son of Sri Chote Lal.
10. Rita Kumari, D/o Sri Chhote Lal.
11. Damodar Prasad.
12. Rajendra Prasad
13. Prem Lal

All sons of Late Sri Bhattu Ram, resident of Mohall-Murarpur
Khairat/Ahmad Road, P.S.-Kotwali, District-Gaya.

... .. Defendants -Respondents 2nd party

14. Meena Devi, D/o Yugal Kishore Prasad.
15. Asha Kumari, D/o Yugal Kishore Prasad.
16. Tunnu alias Ramesh Prasad
17. Munnu alias Vishwanath Prasad

Both are sons of Late Jugal Kishore Prasad.

18. Munni alias Sandhaya Kumari, D/o Late Jugal Kishore Prasad.

All are residents of Mohalla-Hajiganj Patna City, District-Patna.

... .. Respondents

Appearance :

For the Appellant/s	:	Mr. Santosh Kumar Sinha, Advocate
For the Respondent/s	:	None

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH



ORAL ORDER

30 22-01-2020 It is submitted by Mr. Santosh Kumar Sinha, learned counsel for the appellants that in the instant case Sri Chunni Lal was the Advocate on Record and the incharge of the brief. However, Sri Chunni Lal died about 20 years ago. He submitted that he has neither any instructions in the matter nor he is possessing the brief of the appeal. He submitted that as was directed by this court vide order dated 14.02.2019 to seek instructions from the client, he tried his best to contact the appellants but has not been able to contact him. When he disclosed these facts to the court, vide order dated 03.04.2019, notices were issued to the appellants at the cost of the High Court by ordinary process as well as speed post for appearance and the appeal was directed to be placed after four weeks.

In compliance with the order dated 03.04.2019, notices were sent to the appellant through ordinary process as well as speed post for their appearance on 17.04.2019. However, undelivered speed post has been returned and received with the report of the process server that appellant Nos. 1 to 4 could not be traced on the given address.

No body appears on behalf of the respondents.

Under the circumstances, Mr. Santosh Kumar Sinha, learned advocate submits that since the appellants have



abandoned the appeal, it is not possible for him to pursue the appeal.

In view of the submissions made above, the appeal is dismissed as not pressed.

(Ashwani Kumar Singh, J)

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