

IN THE HIGH COURT OF JUDICATURE AT PATNA
SECOND APPEAL No.120 of 2011

1. Sukhraj Roy Uchch Bidyalaya, Nathnagar,, P.O. + P.S. Nathnagar, District- Bhagalpur
2. Parmeshwar Mandal, son of Mushahru Mandal, residence at Poddar Toli lane, Jogsar, P.S.-Kotwali, District- Bhagalpur, Headmaster, Sukhraj Roy Uchch Bidyalaya, Nathnagar, P.O. + P.S.- Nathnagar, District- Bhagalpur.

... .. Appellant/s

Versus

1. Sanichar Mandal, son of Late Bechan Mandal
2. Gohal Mandal, son of Late Bechan Mandal
3. Shyam Mandal @ Shyam Mahaldar, son of Late Bechan Mandal
4. Mot. Bhulia Devi, wife of Late Sukar Mandal
5. Budhu Mandal, son of Late Sukar Mandal
6. Sudhwa Mandal, son of Late Sukar Mandal
7. Rajni Kumar (minor), son of Late Sukar Mandal through his mother Most. Bhulia Devi Guardian and next friend
All resident of village Parmalia Tola Nathnagar, P.O. and P.S.- Nathnagar, District- Bhagalpur.
8. Musia Devi, daughter of Late Kadir Mahaldar
9. Gangia Devi, daughter of Late Kadir Mahaldar
10. Bilti Devi, daughter of Late Kadir Mahaldar
11. Girdhari Mandal, son of Late Datto Mandal
12. Karu Mandal, son of Late Datto Mandal
13. Faugdari Mandal, son of Late Datto Mandal
14. Gauri Mandal, son of Late Datto Mandal
15. Mahram Devi, daughter of Late Datto Mandal
All resident of mohalla- Hassanganj, P.s.- Mirjanhat, P.S.- Mojahispur, District- Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dhananjay Kumar Gupta
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

9 09-01-2020 Vide office notes dated 6.12.2019/12.9.2018, the office has pointed out that the peremptory order dated 8.8.2017 has not been complied with within the stipulated time i.e. the substitution petition with regard to deceased respondent nos. 10 and 14 has not been filed in limitation matter i.e. I.A. No.



2015/13.

Consequently, I.A. No. 2015/2013 (limitation petition) stood rejected as against the heirs of deceased respondent nos. 10 and 14. Hence, limitation petition becomes defective and instant appeal becomes time barred.

As a result, the appeal stood dismissed due to non-compliance of order dated 8.8.2017.

(Sudhir Singh, J)

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