

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.86 of 2021

1. KAPILDEO RAI @ KAPIL DEB RAY son of late Ram Narain Rai, Resident of Village- Dilawarpur, Police Station- Lalganj, District- Vaishali
2. INDRADEO RAI son of Late Shiv Chandra Rai, Resident of Village- Dilawarpur, Police Station- Lalganj, District- Vaishali.

... .. Petitioner/s

Versus

1. MOST SHARDA DEVI @ SHRADHA DEVI wife of Late Dasai Rai, resident of village- Dilawarpur, Post- Rikhar, Police Station- Lalganj, District- Vaishali
2. BHAG NARAIN RAI son of late Dasai Rai, resident of village- Dilawarpur, Post- Rikhar, Police Station- Lalganj, District- Vaishali
3. KRISHNA DEVI daughter of Late Dasai Rai, DILAWARPURresident of village- Dilawarpur, Post- Rikhar, Police Station- Lalganj, District- Vaishali
4. RAMA DEVI daughter of Late Dasai Rai resident of village- Dilawarpur, Post- Rikhar, Police Station- Lalganj, District- Vaishali
5. GOSAI RAI son of late Ram Sewak Rai resident of village- Dilawarpur, Post- Rikhar, Police Station- Lalganj, District- Vaishali

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Mr. Surendra Kumar Choubey
For the Respondent/s	:	Mr. Surendra Kishore Thakur

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

3 05-04-2022 Heard the learned counsel for the petitioners as well as the learned counsel for the respondents.

The petitioners were plaintiffs in Title Suit No. 413 of 2001. The suit was decreed in their favour and thereafter, they filed Execution Case No. 1/2012. The execution proceeding was disposed of and the delivery of possession was handed over to the plaintiffs-petitioners.



Being aggrieved by the decree of the trial court, the respondents filed Title Appeal No. 13/2012 pending in the court of learned Additional District Judge-IX, Vaishali at Hajipur. During the pendency of that appeal, a petition has been filed on behalf of the petitioners (respondents in that appeal) to dismiss that appeal on the ground that the *Dakhaldahani* was given to them.

The learned counsel for the respondents has submitted that the right to appeal is a statutory right and that cannot be taken away merely because *Dakhaldahani* has been given in favour of the petitioners.

Considering the above-mentioned facts and circumstances, I do not find any reason to interfere with the impugned order.

Accordingly, this civil miscellaneous petition is dismissed.

(Nawneet Kumar Pandey, J)

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