

IN THE HIGH COURT OF JUDICATURE AT PATNA
FIRST APPEAL No.153 of 2009

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GEYANESHWAR SINGH @ GANESH SINGH, son of Late Sant Belash Singh, resident of village:-Semaria, P.O:-Barahara, Thana:- Barahara, District:-Bhojpur

... .. Appellant/s

Versus

1. Kamala Devi, daughter of Late Sant Belash Singh and wife of Dr. Bihari Singh, resident of Village-Barauli, P.O:- Barauli, Thana- Piro, District:- Bhojpur at present resident of Mohalla-Bank Men's Colony, Chitragupta Nagar, Patna

Defendant 1st set-Respondent 1st set.

2. Sachidanand Singh, son of Late Sant Bilash Singh, resident of village-Semaria, P.O:- Barahara, Thana- Barahara, District- Bhojpur, working at the post of Sheet Metal Inspector, I.T.I, Marhaura, Thana-Marhaura, District-Saran and now residing at Bank Men's Colony, Chitragupta Nagar, Patna, Plot No. C/6, District-Patna

Defendant 2nd Set-Respondent 2nd Set

3. Tulsi Singh, son of Late Sant Belash Singh, resident of Village- Semaria, P.O:- Barahara, Thana:- Barahara, District:- Bhojpur. Retired on the Post of Steel City, P.O:-Bokaro, Thana:-Bokaro at present living at Bank Men's Colony, Chitragupta Nagar, Patna

Defendant 3rd Set-Respondent 3rd Set

4. Ramesh Singh @ Bhola Singh, son of Late Sant Balesh Singh, resident of village:- Semaria, P.O:- Barahara, Thana:- Barahara, District:- Bhojpur, retired at JamaDubha, Tata Workshop, Thana:-JamaDubha, District:-Dhanbad at present residing in Bank Men's Colony, Chitragupta Nagar, Plot No. C/2, Patna.

Defendant 4th Set-Respondent 4th Set

5. Pradip Singh, son of Late Sant Balesh Singh, resident of Village-Semaria, P.O.- Barahara, Thana-Barahara, District-Bhojpur

Defendant 5th Set-Respondent 5th Set

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Appearance :

For the Appellant/s : Mr.Dr. Pankaj, Advocate

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

18 05-12-2022

Heard learned counsel for the parties.

As per the office notes dated 30.11.2022, this appeal has become D.F.D. as against respondent Nos. 1 to 5 for non-compliance of the order dated 18.4.2017.



The I.A. No. 04 of 2022 has been filed for reconsideration of the office notes dated 11.9.2019 by which it was recorded :

“ This memo of appeal stood dismissed for default against respondent No. 1 to 5.”

I.A. No. 04 of 2022

Dr. Pankaj, learned counsel for the appellant duly assisted by Mr. Naveen Kumar Sinha, who is the counsel on record, submits that under wrong advice, the I.A. No. 04 of 2022 has been filed and as such, he may be permitted to withdraw the said petition in view of the fact that wrong facts have been incorporated in the said petition.

On the basis of the said submission made by Dr. Pankaj, the I.A. No. 04 of 2022 stands rejected.

As per the office notes, the appeal already stands D.F.D. as against the respondent No. 1 to 5 due to non-compliance of the order dated 18.4.2017.

On 18.4.2017, a coordinate bench had passed the following order :-

“Four weeks’ time is granted to appellant to file show cause notice as directed by this court through previous order, failing which memo of appeal shall stand dismissed



*without further reference to the Bench
against the concerned respondents.”*

As rightly pointed out by the office notes dated
30.11.2022, the appeal stands rejected against respondent No. 1
to 5 in view of the non-compliance of the aforesaid order dated
18.4.2017.

In view of the said facts, nothing left and accordingly,
the First Appeal No. 153 of 2009 stands dismissed.

(Rajiv Roy, J)

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