

IN THE HIGH COURT OF JUDICATURE AT PATNA
SECOND APPEAL No.337 of 2018

1. Nageshwar Prasad @ Nageshwar Prasad Sah Son of Late Thakur Sah,
2. Hari Chandra Prasad @ Hari Chandra Prasad Sah, Son of Sheoshankar Sah,
3. Kishori Lal Prasad @ Kishori Lal Sah,
4. Ram Kumar Gupta @ Ram Kumar Sah,
5. Sunil Kumar @ Dhruv Kumar,
All Sons of Nageshwar Prasad @ Nageshwar Prasad Sah,
All resident of Village- Laxmipur, P.S.- Pakariya, District- East Champaran.

... .. Appellant/s

Versus

1. Most. Susila Kuer Wife of Late Radha Krishna Pd.
2. Manju Devi, Wife of Bindeshwari Pd., Daughter of Late Radha Krishna Pd.,
Both Resident of Village and P.O.,P.S.- Kawai, District- Bara Nepal.
3. Puspa Devi, Wife of Prahalad Pd., Daughter of Late Radha Krishna Pd.,
Resident of Village and P.O.,P.S.- Parsauni, District- Bara Nepal.
4. Usha Devi, Wife of Santosh Pd., Daughter of Late Radha Krishna Pd.,
Resident of Village and P.O.,P.S.- Sitamarhi, District- Sitamarhi.
5. Rajalal Prasad Sah. Son of Late Deodhari Sah,
6. Mukesh Kumar,
7. Suresh Kumar,
8. Manoj Kumar, Minor Sons of Late Radha Krishna Pd. Sah, under the
guardianship of Rajalal Prasad Sah Father, guard All resident of Village-
Lachhamipur, P.O.- Pakaria, P.S.- Chhauradano, District- East Champaran.
9. Saroj Devi, Wife of Vishwanath Pd., Daughter of Late Sheoshaner Pd.,
Resident of Village- Lachhamipur, P.O.- Pakaria, P.S.- Chhauradano,
District- East Champaran.
10. Dinanath Sah, Minor Son of Nageshwar Pd. Sah, under the guardianship
Nageshwar Pd. Sah father, guardian and next f Resident of Village-
Lachhamipur, P.O.- Pakaria, P.S.- Chhauradano, District- East Champaran.
11. Bhagwanti Devi, Wife of Ramchandar Pd., Daughter of Mangal Pd.,
Resident of Village and P.O.,P.S.- Bhawanipur Nepal, District- E. Nepal.
12. Dhanwanti Devi, Wife of Surya Pd., Daughter of Mangal Pd. deceased,
Resident of Village- Kachorwa, P.O. and P.S.- Kachorwa, District- Bara
Nepal.
13. Sudama Devi, Daughter of Late Ramchandra Pd., Wife of Dinesh, Resident
of Village and P.O.P.S.- Pakarideyal, District- East Champaran.
14. Shashikala Devi, Daughter of Late Ramchandra Pd., Wife of Shambhu Pd.,
Resident of Village and P.O.P.S.- Malahi, District- East Champaran.
15. Vidya Devi, Daughter of Late Ramchandra Pd., Resident of Village-
Kodarkat, P.S.- Chauradano, District- East Champaran.



16. Sabita Devi, Daughter of Sukhdeo Pd. Sah, Wife of Shyam Kishore Pd., Resident of Village- Joafar, P.S.- Chauradano, District- East Champaran at present Laxmipur P.O.- Pakariya, P.S.- Lakhaura, District- East Champaran.
17. Most. Ramwati Devi, Wife of Late Tejlal Sah, Resident of Village- Fatuha, P.O.- Pakariya, P.S.- Lakhaura, District- East Champaran.
18. Krishna Devi, Daughter of Late Tejlal Sah, Wife of Bindeshwari Pd., Resident of Village and P.O.P.S.- Narha, District- Sitamarhi at present Fatuha, P.O.- Pakariya, P.S.- Lakhaura, District- East Champaran.
19. Raj Kumari Devi, Wife of Rajmangal Pd., Daughter of Late Tejlal Sah, Resident of Village- Laxmipur, P.O.- Pakariya, P.S.- Lakhaura, District- East Champaran at present Fatuha, P.O.- Pakariya, P.S.- Lakhaura, District- East Champaran.
20. Pramila Devi, Daughter of Late Tajlal Sah, Wife of Ramlakhan Pd., Resident of Village- Vihidih, P.O. and P.S.- Adapur, District- East Champaran at present Fatuha, P.O.- Pakariya, P.S.- Lakhaura, District- East Champaran.
21. Manju Devi, Wife of Arun Pd., Daughter of Late Tejlal Sah, Resident of Village- Fatuha, P.O.- Pakariya, P.S.- Lakhaura, District- East Champaran.
22. Dewanand Pd.,
23. Mahanand Pd., Minor Sons of Late Tejlal Sah,
24. Mamta Kumari, Minor Daughter of Late Tejlal Sah,
25. M.P. Kumari, Minor Daughter of Late Tejlal Sah, All the minors through Ramawati Devi, mother, guardian and next f Resident of Village- Fatuha, P.O.- Pakariya, P.S.- Lakhaura, District- East Champaran.
26. Indra Kumari Devi, Wife of Punyadeo Pd.,
27. Nilu Kuer, Daughter of Jawahar Lal Pd. Sah,
28. Most Shail Kuer, Wife of Late Yugul Pd. Sah,
29. Dinanath Pd. Sah, Son of Late Yugul Pd. Sah,
30. Chameli Devi, Daughter of Yugul Pd. Sah, All resident of Village- Laxmipur, P.O.- Pakariya, P.S.- Lakhaura, District- East Champaran.
31. Jaishanker Pd.,
32. Rajan Pd., Both minor Sons of Jawahar Pd. Sah, under the guardianship of Sri ramji Pd. Advocate G.A.L. of the m
33. Most. Dhani Devi, Wife of Ramekbal Pd. Deceased, Resident of Village- Laxmipur, P.O.- Pakariya, P.S.- Lakhaura, District- East Champaran.
34. Sanjay Kumar,
35. Ajay Kumar,
36. Ranjit Kumar, Sons of Ramekbal Pd. Deceased, All residents of Village- Laxmipur, P.O.- Pakariya, P.S.- Lakhaura, District- East Champaran.
37. Mira Devi, Daughter of Ramekbal Pd., Wife of Ram Kr. Gupta @ Sanjay Kr. Guta, Resident of Village- Fateh Tola, P.S.- Turkauliya, Hal-Laxmipur, District- East Champaran.
38. Kali Kumari, Daughter of Ramekbal Pd. Resident of Village- Laxmipur, P.O.- Pakariya, P.S.- Lakhaura, District- East Champaran.



39. Pundeo Pd. Sah,
40. Braj Kishore Pd.,
41. Shyam Kishore Pd., All sons of Ramchandra Pd. Sah,
42. Sanjay Kumar, Minor Son of Ramekbal Pd. Sah,
43. Raju, Minor Son of Pundeo Pd. Sah, Both the minors under the guardianship of Shri Ramji Pd. Advocate G.A.L All resident of Village- Laxmipur, P.O.- Pakariya, P.S.- Motihari Mufasil, District- East Champaran.
44. Surendra Pd.,
45. Devendra Pd., Both minor Sons of Sukhdeo Pd.,
46. Bhupendra Pd. Sah, Minor son of Sukhdeo Pd.,
47. Jai Narayan Pd., Minor Son of Surendra Pd., Both the minors under the guardianship of Sri Ramji Prasad, Advocate, G.A Resident of Village- Pakariya, P.S.- Chhauradano, District- East Champaran.
48. Suman Kumari, Daughter of Late Pannalal Pd. Sah, Resident of Village- Laxmipur, P.O.- Palanwa, P.S.- Lakhaura, District- East Champaran.
49. Madhuri Devi, Daughter of Late Pannalal Pd. Sah, Wife of Sunil Pd., Resident of Village- Belwa, P.S.- Turkaulia, P.O.- Nariarwa, District- East Champaran. at present Laxmipur P.O.- Pakariya, P.S.- Lakhaura, District- East Champaran.
50. Shakuntala Devi, Wife of Late Sheolal Sah,
51. Krishna Devi, Daughter of Late Sheolal Sah, Wife of Munilal Pd., Resident of Village- Dharampur Sikta, P.O. and P.S.- Sikta, District- West Champaran.
52. Sunita Devi, Daughter of Late Sheolal Sah, Wife of Ajit Prasad, Resident of Mohalla- Dayal Hatta Siwan, P.O. and P.S.- Siwan, District- Siwan.
53. Anhoti Lal Sah,
54. Rajendra Pd. Sah, Both Sons of Late Chitrakut Sah, Both resident of Village- Laxmipur, P.O.- Pakariya, P.S.- Lakhaura, District- East Champaran.
55. Lalan Prasad, Son of Pannalal Sah,
56. Jhulan Pd., Minor Son of Pannalal Sah, through Sri Ramji Pd. Advocate, G.A.L. of the minors,
57. Mahesh Pd. Sah,
58. Ramesh Pd. Sah, Both Sons of Sonelal Sah, Both resident of Village- Laxmipur, P.O.- Pakariya, P.S.- Motihari Mufassil, District- East Champaran.
59. Awadhesh Prasad,
60. Dinesh Pd. Minor Sons of Sonelal Sah,
61. Naresh Prasad, Minor Son of Sonelal Sah, Minor through Sri Ramji Pd. Advocate, G.A.L. of the minors,
62. Sheokumar Pd. Sah, Son of Anhotilal Sah,
63. Raghubhushan Prasad,
64. Shashi Bhushan Prasad, Both Sons of Rajendra Pd. Sah,



65. Hari Bhushan Pd.,
66. Mani Bhushan Pd., Minor Sons of Rajendra Pd. Sah, through Sri Ramji Pd. Advocate, G.A.L. of the minors, Resident of Village- Laxmipur, P.O.- Pakariya, P.S.- Motihari Mufasil, District- East Champaran.
67. Savitri Devi, Wife of Achhelal Sah, Daughter of Ramji Pd., Resident of Village and P.O.- Gamhariya, P.S.- Adapur, District- East Champaran.
68. Sita Devi, Wife of Babulal Pd., Resident of Village- Barwa, P.O.- Basta, P.S.- Mainatand, District- West Champaran.
69. Umrawati Devi, Wife of Bir Bahadur Pd. Resident of Village- Barwa, P.O.- Basta, P.S.- Mainatand, District- West Champaran.
70. Shail Devi, Wief of Indradeo Pd. Resident of Village- Dharampur Sikta, P.O. and P.S.- Sikta, District- West Champaran.
71. Smt. Lalpari Devi, Wife of Krishna Nath Pd., Resident of Village- Piparpati, Nepal, All of above named at present resident of Village- Laxmipur, P.O.- Pakariya, P.S.- Lakhaura, District- East Champaran.
72. Most Uma Kuar, Wife of Late Awadh Kishore Pd.,
73. Raj Kumar Pd.,
74. Vimal Kishore Pd.,
75. Nawal Kishore Pd., All Sons of Late Awadh Kishore Pd.,
76. Meera Devi, Wife of Vinod Sah, Daughter of Awadh Kishore Pd.,
77. Laxmi Devi, Wife of Jeetendra Sah, Daughter of Late Awadh Kishore Pd., All residents of Village- Laxmipur, P.O.- Pakariya, P.S.- Lakhaura, District- East Champaran.
78. Nand Kishore Pd., Son of Ramji Pd.,
79. Bijay Kishore Pd.,
80. Binod Kishore Prasad, Minor Sons of Ramji Pd., Under the guardianship of Sri Ramhi Pd. Advocate, G.A.L. of the minors.
81. Anil Kumar, Son of Late Rajkishore Pd. Sah,
82. Raj Kumar Sah, Son of Awadh Kishore Pd. Sah,
83. Rambahadur Pd., Son of Bishundeyal Pd. Sah,
84. Sitaram Prasad,
85. Om Prakash, Both minor Sons of Bishundeyal Pd. Sah, under the guardianship of Sri Ramji Pd. Advocate, G.A.L of t
86. Most. Gayatri Kuer, Wife of Late Gauri Shankar Pd.,
87. Godiya Kumari,
88. Lovely Kumari, Both Daughter of Late Gauri Shanker Pd. All resident of Village- Laxmipur, P.O.- Pakariya, P.S.- Motihari Mufasil, District- East Champaran.
89. Pinki Kumari, Wief of Madhusudhan Pd.,
90. Chandan Kumar, Daughter of Late Gauri Shankar Pd. Resident of Village- Turkauliya Tola- Nimuiya, P.O. and P.S.- Turkauliya, District- East Champaran.



91. Dinesh Pd.,
92. Promod Pd., Both Sons of Ramanand Pd., Residents of Village- Gobri, P.O.- Moklishpur, P.S.- Banjariya, District- East Champaran.
93. Ram Kumari, Daughter of Ramanand Pd. Resident of Village and P.O.- Moklishpur, P.S.- Banjariya, District- East Champaran.
94. Krishna Devi, Daughter of Ramanand Pd. Deceased, Resident of Village- Bhakhurahiya, P.O.- Saraiya Gopal, P.S.- Patahi, District- East Champaran.
95. Gyanti Devi, Wife of Narendra Kumar, Daughter of Ramanand Pd. Resident of Village- Bhakhurahiya, P.O.- Saraiya Gopal, P.S.- Patahi, District- East Champaran.
96. Dilip Kumar,
97. Pradeep Kr.
98. Ramkishore Pd., All sons of Bishwanath Pd.,
99. Bishwanath Pd., Son of Late Sheogobind Sah, All resident of Village- Kothar, P.S.- Motihari Muffasil, District- East Champaran.
- 100 Kanti Devi, Daughter of Bishwanath Pd., Wife of Uday Kr., Resident of Village- Semra, P.S.- Turkauliya, District- East Champaran.
- 101 Smt. Abha Devi, Daughter of Bishwanath Pd., Wife of Sanjay Kr., Resident of Village- Murtia, P.O. and P.S.- Adapur, District- East Champaran.
- 102 Smt. Manorma Devi, Wife of Asarfi Sah, Daughter of Jagarnath Pd., Resident of Village- Majirwa, P.S.- Lakhaura, District- East Champaran at present residents of Village- Laxmipur, P.O.- Pakariya, P.S.- Lakhaura, District- East Champaran.
- 103 Jadolal Singh, Son of Bhola Singh,
- 104 Chandrika Pd. @ Amirilal, Son of Ramchandra Singh, Both residents of Village and Tinkori, P.S.- Chhauradano, District- East Champaran.
- 105 Ram Adya Sah, Son of Maharaj Sah, Resident of Village and P.O.- Chhauradano, P.S.- Adapur, District- East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Md. Anis Akhtar Mr. Arif Daula Siddiquie Mr. Asif Kalim Mr. Mahtab Alam
For the Respondent/s	:	Mr. Anil Kumar Anal Mr. Binod Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

3 04-03-2022

I.A. No. 2 of 2021

The aforesaid interlocutory application has been filed,



stating therein that there is likelihood of amicable settlement between the parties and as such the learned counsel for the appellants does not want to press the present second appeal.

Permission is accorded and this second appeal is dismissed as withdrawn.

I.A. No. 2 of 2021 stands disposed of.

(Nawneet Kumar Pandey , J)

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