

IN THE HIGH COURT OF JUDICATURE AT PATNA
FIRST APPEAL No.23 of 1976

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RAM SAGAR TRIPATHI @ RAM SAGAR & ORS

... .. Appellant/s

Versus

BIBI MADHAV TEWARY and ORS

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

27 10-02-2023

Perused the records.

It appears from the order dated 10.01.2020 that this Court had given certain directions to the registry to find out as to what happened to the speed post and whether there is proper delivery at the places. Office notes placed with reference to the order dated 10.01.2020 reads as under:-

“Regarding order dt. 10.01.2020

It is submitted that direct notice was issued to the Appellant no.1(i) to 1(ix) and Appellant no.2 to 4 under speed post with A/D.

But undelivered Speed Post returned. Appellant no.-A 1(ii), A1(iii), A-1 (vi), A-1 (viii) and A-4 reported to be residing out of station by the postal peon which is kept on the record at flag ‘O’.

And with regard to Appellant no.A-1(i), A-1(ix), A-3 and A-2 undelivered Speed



Post returned and received with report of the postal peon that they are no more, which is kept on the record at flag 'P'.

Neither undelivered Speed Post (envelope) nor any AD has been returned on behalf of Appellant no.-A-1(iv) and Appellant no.-A-1(v) and 1 (vii).

Nobody has appeared on behalf of the Appellant no.-A-1(i) to A-1(ix) and Appellant no.-2 to 4 as yet.

Submitted before the Hon'ble Bench for orders on office notes."

This Court finds that when the matter was taken up on 11.01.2023, this Court passed the following order:-

"No one is appearing on behalf of the appellant. The learned counsel for the respondent is present.

In view of the office note dated 24.11.2021, one last opportunity is given to the appellants/their heirs and legal representatives for taking necessary steps in this case.

List this matter on 09.02.2023."

Today once again no one is appearing on behalf of the appellants. None for the respondents is present. This appeal is of the year 1976.

In the given circumstance where some of the appellants are reported dead and the others have not chosen to enter appearance, this Court is of the considered opinion that the



appeal is liable to be dismissed as there is no point in keeping it pending for namesake.

This appeal is accordingly dismissed.

(Rajeev Ranjan Prasad, J)

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