

IN THE HIGH COURT OF JUDICATURE AT PATNA
FIRST APPEAL No.314 of 1980

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Smt. Alodhan Devi, Wife of Shri Kedar Prasad Singh and Daughter of Late Shyam Narain Singh, Resident of village Tiskhora, at present village Chesi, both under Naubatpur Police Station, District- Patna

... .. Appellant

Versus

1. Rangnath Sharma, Son of late Kamta Prasad, Resident of village Singwariawan, Police Station, District- Nalanda at present village Chesi, P.O. Naubatpur, District- Patna
2. Premnath Sharma, Son of late Kamta Prasad, Resident of village Singwariawan, Police Station, District- Nalanda at present village Chesi, P.O. Naubatpur, District- Patna
3. Shrimati Krishna Devi, Wife of late Kamta Pd. Sharma, Resident of village Singwariawan, Police Station, District- Nalanda at present village Chesi, P.O. Naubatpur, District- Patna

... .. Respondents

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Appearance :

For the Appellant : Mr. Guru Sharan Sharma, Advocate
For the Respondents : Mr. Pashupati Pd. Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

12 31-07-2023

The Office has reported that in compliance of order dated 09.12.2019, direct notice to the sole appellant has been issued under Speed Post with A/D. A letter has been received from District and Sessions Judge, Patna stating therein that Postal Peon reported that sole appellant has died. Nobody pursued the matter since long.

Re.: I.A. No. 01 of 2021

2. This interlocutory application has been filed under Order XXII Rule 4(3) and 5(a) of the Code of Civil



Procedure for abatement of whole appeal. It is submitted that the sole appellant died in the year 1991 and respondent No. 1, namely, Rangnath Sharma died on 09.06.2010, but no steps have been taken by the appellant regarding their substitution and also prayed for abatement of the instant appeal.

3. Considering the aforesaid facts and circumstances, in view of the office note dated 27.07.2023 and submission of respondent No. 2, I.A. No. 01 of 2021 is allowed.

4. The instant appeal is abated for non-substitution of heirs of appellant and respondent No. 1.

5. Accordingly, the instant First Appeal is dismissed as abated.

(Khatim Reza, J)

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