

IN THE HIGH COURT OF JUDICATURE AT PATNA
SECOND APPEAL No.599 of 1988

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RAMCHANDRA PANDEY and ORS.

... .. Appellant/s

Versus

SHEO BILAS PANDEY.

... .. Respondent/s

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Appearance :

For the Appellant/s : None

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

12 04-12-2023 No one appears either on behalf of the appellants or
on behalf of the respondents.

2. It transpires to this Court vide office notes dated 24.11.2023 that this Court vide order no. 11 dated 09.12.2021 directed to issue notice upon appellant no. 1 to 6 at the cost of Court. Service report has been received in which it has come that notices on respondent nos. 1, 2, 3 and 6 were returned unserved with a report that they have been died, but notice upon appellant no. 4 has been validly served and notice upon appellant no. 5 has been received by his brother i.e. respondent no. 4. It also has been acknowledged that the notice was served on 04.01.2022, but till date no any fresh Vakalatnama has been filed on behalf of the appellants.

3. In this background, this Court is of the opinion that there is no need to continue this second appeal further and



therefore, this second appeal has been dismissed due to non prosecution under Order 41 Rule 17(i) of the Code of Civil Procedure with liberty that whenever the appellants or their heirs or their legal representatives shall be interested to pursue this appeal, they shall take recourse under Order 41 Rule 19 of the Code of Civil Procedure.

4. Hence, from the above observations, this second appeal is dismissed due to non prosecution.

(Dr. Anshuman, J.)

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