

IN THE HIGH COURT OF JUDICATURE AT PATNA
SECOND APPEAL No.652 of 1991

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1. Smt. Sarswati Devi, wife of Shree Heera Lal Singh,
 2. Smt. Radhika Devi, wife of Sri Hare Ram Singh, both resident of village- Madhopur, P.S.- Jagdishpur, District- Bhojpur.
 3. Pusha Kumari,
 4. Santoshi Kumari, (wrongly described in the plaint and decree as the daughters of Nanhak Yadav) [in fact minor daughters of late Shivajee Yadav] under the guardianship of their brother-in-law, Hira Lal Singh.
 5. Hirmauni Devi, wrongly described as wife of Shri Nanhak Yadav (in fact wife of Late Shivajee Yadav) of village- Umraognganj, Pargana, Bihea, District- Bhojpur
- Appellant/s

Versus

Most. Tusia Kuer, wrongly described in the plaint and decree as the widow of late Ramdhari Yadav (Gope) [in fact wife of late Ram Lal Ahir] of village Tulsi Tola English, Pargana, Bihea, P.S.- Jagdishpur, District- Bhojpur.

... .. Respondent/s

Appearance :

For the Appellant/s : None
For the Respondent/s : None

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

30 19-04-2023 None appears on behalf of either of the parties.

2. Perused the office notes.

3. The office has pointed out that the sole respondent, Most. Tusia Kuer has died and Interlocutory Application No.177 of 2003 & Interlocutory Application No. 1656 of 2003 were filed for substituting the heirs of the sole respondent, Most. Tusia Kuer, which have been dismissed as withdrawn vide order dated 05.09.2012 and learned counsel for the appellants was directed to file appropriate petition.

4. Accordingly, Interlocutory Application No. 3547 of



2014 was filed for substituting the heirs of the sole deceased-respondent and the same was placed before the Bench but by order dated 13.10.2015, again the same was dismissed as withdrawn. Subsequently, another interlocutory application bearing Interlocutory Application No.8557 of 2015 was filed for substituting the legal heirs of deceased Bijli Prasad, who was one of the heirs of the deceased sole respondent, namely, Most. Tusia Kuer, and was substituted in the Court below, which is also dismissed as not pressed vide order dated 09.03.2016.

5. In the aforesaid facts and circumstances, the present appeal has abated against the sole respondent due to non-substitution of the heirs of the sole deceased respondent.

6. Accordingly, this second appeal is dismissed as abated.

(Khatim Reza, J)

J. Alam/-

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