

IN THE HIGH COURT OF JUDICATURE AT PATNA
FIRST APPEAL No.756 of 1995

1. Gita Singh, Son of Mahadeo Singh
2. Mahadeo Singh, Son of Late Ram Saran Singh. (Deceased vide order dated 28.02.2009)
- 2 (a) Laxmi Singh, Son of Late Mahadeo Singh
All residents of Village- Khutaha, District- Lakhisarai.
- 2 (b) Sangya Devi, Daughter of Late Mahadeo Singh
- 2 (C) Sajni Devi, Daughter of Late Mahadeo Singh.
All residents of Village-Samho tatha, Begusarai.
3. Balmukund Singh @ Fusan Singh, Son of Nandey Singh.
Residents of Village- Khutaha, District- Lakhisarai.
4. Bidya Singh, Son of Late Makhan Singh (Deceased vide order dated 02.07.1997)
- 4 (a) Smt. Ramrati Devi (Widow) (Since died on 20.11.2002) (Her legal heirs are appellant 4 (b) and 4 (c).
- 4 (b) Rajendra Singh, Son (Appellant no. 5 in the petition)
- 4 (c) Ram Anuj Singh, Son
All residents of Village- Khutaha, District- Lakhisarai.
- 4 (d) Smt. Sushila Devi, (Daughter) Wife of Sri Sudhir Singh, resident of Village Kamta, P.S. Sheikhpura, District- Sheikhpura.
5. Rajendra Singh, Son of Bidya Singh (Since died on 03.05. 2000) (His legal heirs is appellant 4 (a)

... .. Appellant/s

Versus

- 1 (a) Gulabi Devi, Widow of Late Faujdari Singh, residents of Village- Khutaha Dih, District- Lakhisarai.
(b) Shanti Devi, (Daughter), Wife of Rajkishore Singh, Resident of Village- Balta, P.O. Managar, District- Lakhisarai.
2. Rabindra Prasad Singh, Son
3. Arbind Singh, Son
Both resident of Village- Khutaha Dih, District- Lakhisarai.
4. Rajesh Kumar.



5. Rajiv Kumar.

Both minor sons of Rabindra Prasad under guardianship of their father.

6. Raj Kumar.

7. Baby Tinkoo,

Both minor sons of Arbind Singh under guardianship of their father.

(Respondents no. 4 to 7 expunged vide order dated 17.12.2009.)

8. Ram Balak Singh, Son of Late Ajodhya Singh (Since died in March 2005)

8 (a) Shanti Devi, Widow of Ram Balak Singh.

8 (b) Pappu @ Pramod, Son

8 (c) Ram Babu, Son

8 (d) Chote Lal @ Kavi Singh, Son

All are residents of Village Kutahidih, P.S. Barahiya, District- Lakhisarai.

8 (e) Kumkum Devi, (Daughter) Wife of Rajiv Kumar, resident of Village +
P.O. Mahsaura, District- Lakhisarai.

8 (f) Rubi Devi (Daughter) Wife of Murari Kumar, resident of Village + P.O.
Ramchandrapur, District- Lakhisarai.

9. Ramanand Singh, (Died on 14.12.2009) Son of late Gendhari Singh.

9 (a) Bataswa Devi, (Sister) Wife of Bindeshwar Singh.

9 (b) Shyamia Devi, (Sister) Wife of Chandrika Singh.

Both resident of village + Post Samho Totha, P.S. Nayagaon (Matihani)
District- Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajiv Ranjan Sinha, Advocate

For the Respondent/s : Mr. Anshay Bahadur Mathur, Advocate with
Mr. Nawal Kishore Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

42 19-04-2023

No one appears on behalf of the appellants.

2. Learned counsel for the respondents no. 2 and 3 is
present.

3. From perusal of the ordersheet, it appears that no



one had appeared on behalf of the appellants on 14.12.2022, 01.02.2023 and 15.03.2023. In the interest of justice further time was granted to the appellants but no one appeared today.

4. Learned counsel appearing for the respondents pointed out that previously also on 06.10.2017 and 21.08.2018, time was granted to the appellants to file substitution petition vice deceased-respondent no. 1 (a) subject to the limitation, if any, but the said order has also not been complied with till date and the appeal became abated. He further submits that the conduct on behalf of the appellants shows that they have no interest in this appeal which is liable to be dismissed.

5. In view of the aforesaid facts and circumstances, this First Appeal is dismissed for default.

(Sunil Dutta Mishra, J)

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