

IN THE HIGH COURT OF JUDICATURE AT PATNA
SECOND APPEAL No.310 of 1985

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YOGENDRA RAI and ORS

... .. Appellant/s

Versus

SAKAL RAI and ORS

... .. 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

13 15-01-2024 No one appears either on behalf of the appellants or
on behalf of the respondents.

2. It transpires to this Court that *vide* order no.12 dated 11.12.2023, this Court has acknowledged in the order sheet that this appeal has been admitted *vide* order no.6 dated 17.04.1987. It also transpires to this Court that *vide* order no.11 dated 29.06.2022, no one appeared on behalf of both the parties in this matter and therefore, the matter was adjourned. And again on 11.12.2023 also no one appeared on behalf of both the parties in this matter and the matter was again adjourned.

3. Vide order no.12 dated 11.12.2023, it has been also acknowledged by the Court that as a matter of last indulgence, four weeks time was granted and if no one appears on behalf of the appellants on the date fixed, appropriate order shall be passed.



4. In this background, this Court has no option left but to pass the order in the light of Order XLI Rule 17 of The Code of Civil Procedure, 1908.

5. As such, this second appeal is dismissed due to appellants default.

6. Liberty is hereby granted that the appellants or their heirs or legal representatives may file an application for re-admission of appeal which has been dismissed for default under Order XLI Rule 19 of The Code of Civil Procedure, 1908.

(Dr. Anshuman, J.)

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