

IN THE HIGH COURT OF JUDICATURE AT PATNA
SECOND APPEAL No.438 of 1989

- 1.1. Sheo Tahal Tanti son of Late Saudagar Tanti resident of Village- Kirparamdih P.S.- Sikandara, Dist- Munger.
- 1.2. Baldeo Tanti son of Late Saudagar Tanti resident of Village- Kirparamdih P.S.- Sikandara, Dist- Munger.
- 1.3. Ganesh Tanti son of Late Saudagar Tanti resident of Village- Kirparamdih P.S.- Sikandara, Dist- Munger.
- 1.4. Ram Pari Devi daughter of late Saudagar Tanti resident of Village- Kirparamdih P.S.- Sikandara, Dist- Munger.
- 1.5. Maina Devi daughter of late Saudagar Tanti resident of Village- Kirparamdih P.S.- Sikandara, Dist- Munger.
- 1.6. Chinma Devi daughter of late Saudagar Tanti resident of Village- Kirparamdih P.S.- Sikandara, Dist- Munger.
- 1.7. Mostt. Makhia Devi W/o Late Saudagar Tanti resident of Village- Kirparamdih P.S.- Sikandara, Dist- Munger.
2. Mostt. Rohni S/o Lekha Tanti deceased resident of Village- Kirpa Ramdeeh P.S.- Sikandara, Dist- Munger.
3. Bharosi Tanti son of Lekha Tanti deceased. resident of Village- Kirpa Ramdeeh P.S.- Sikandara, Dist- Munger.
4. Ramdhani Tanti son of Lekha Tanti deceased. resident of Village- Kirpa Ramdeeh P.S.- Sikandara, Dist- Munger.
5. Brahmdeo Tanti son of Lekha Tanti deceased resident of Village- Kirpa Ramdeeh P.S.- Sikandara, Dist- Munger.
7. Mostt. Balya @ Mostt. Balia Devi D/o Madan Tanti deceased. resident of Village- Kirpa Ramdeeh P.S.- Sikandara, Dist- Munger.
8. Mostt. Manakwa Devi @ Mostt. Manaky Devi daughter of Sukar Tanti, resident of Village- Kirpa Ramdeeh P.S.- Sikandara, Dist- Munger.
9. Meghan Tnati son of Chhatar Tanti deceased. resident of Village- Kirpa Ramdeeh P.S.- Sikandara, Dist- Munger.
10. Ram Charan Tanti son of Chhatar Tanti deceased resident of Village- Kirpa Ramdeeh P.S.- Sikandara, Dist- Munger.
11. Smt. Kalbatya Devi daughter of Chhatar Tanti deceased. resident of Kirpa Ramdeeh, present resident of Mohbatpur, P.S. Sikandara, District Munger.
12. Jawahar Tanti son of Dhaneshwar Tanti resident of Mohbatpur, P.S. Sikandara, District Munger.
13. Smt. Chinta Devi, daughter of Dhaneshwar Tanti resident of Mohbatpur, P.S. Sikandara, District Munger.

... .. Appellant/s

Versus

- 1.1. Bikas Kumar Keshari son of late Sheonandan Sao (Predeceased son of



- Durga Pd. Sao) resident of Sikandara Bazar Bahadurpur, P.S. Sikandara Dist. Munger.
- 1.2. Sanjay Kumar Keshari son of late Sheonandan Sao (Predeceased son of Durga Pd. Sao) resident of Sikandara Bazar, Bahadurpur P.S. Sikandara, District Munger.
 - 1.3. Manjay Kumar Keshari son of late Sheonandan Sao (Predeceased son of Durga Pd. Sao) resident of Sikandara Bazar, Bahadurpur P.S. Sikandara, District Munger.
 - 1.4. Sunita Devi daughter of late Sheo Nandan Pd. Sao (Predeceased son of late Durga Pd. Sao) resident of Sikandara Bazar, Bahadurpur P.S. Sikandara, District Munger.
 - 1.5. Anita Devi daughter of late Sheo Nandan Pd. Sao (Predeceased son of late Durga Pd. Sao) resident of Sikandara Bazar, Bahadurpur P.S. Sikandara, District Munger.
 - 1.6. Smt. Kaushilya Devi W/o late Sheo Nandan Pd. Sap (Predeceased son of late Durga Pd. Sao) resident of Sikandara Bazar, Bahadurpur P.S. Sikandara, District Munger.
 - 1.7. Hiralal Sao son of late Durga Pd. Sao resident of Sikandara Bazar, Bahadurpur P.S. Sikandara, District Munger.
 - 1.8. Smt. Ahilya Devi W/o late Durga Pd. Sao resident of Sikandara Bazar, Bahadurpur P.S. Sikandara, District Munger.
 - 1.9. Laxmi Devi daughter of late Durga Pd. Sao resident of Sikandara Bazar, Bahadurpur P.S. Sikandara, District Munger.
 - 1.10. Sarashwati Devi daughter of late Durga Pd. Sao resident of Sikandara Bazar, Bahadurpur P.S. Sikandara, District Munger.
 - 2.1. Som Nath Prasad Sao son of late Shib Shankar Prasad Sao, resident of Sikandara Bazar, Bahadurpur P.S. Sikandara, District Jamui.
 - 2.2. Amar Nath Prasad Sao son of late Shib Shankar Prasad Sao resident of Sikandara Bazar, Bahadurpur P.S. Sikandara, District Jamui.
 - 2.3. Asha Devi daughter of late Shib Shankar Prasad Sao resident of Sikandara Bazar, Bahadurpur P.S. Sikandara, District Jamui.
 - 2.4. Guriya Devi daughter of late Shib Shankar Prasad Sao resident of Sikandara Bazar, Bahadurpur P.S. Sikandara, District Jamui.
 - 2.5. Chhoti Devi daughter of Late Shib Shankar Prasad Sao, resident of Sikandara Bazar, Bahadurpur P.S. Sikandara, District Jamui.
 3. Salendra Kumar Sao son of Baijnath Sao deceased. resident of Sikandara Bazar, Bahadurpur P.S. Sikandara, District Munger.
 4. Bijay Kumar Sao son of Baijnath Sao deceased. resident of Sikandara Bazar, Bahadurpur P.S. Sikandara, District Munger.
 5. Smt. Bilaiyati Devi daughter of Baijnath Sao deceased. resident of Sikandara Bazar, Bahadurpur P.S. Sikandara, District Munger.
 7. Smt. Kesari Devi daughter of Baijnath Sao deceased. resident of Sikandara Bazar, Bahadurpur P.S. Sikandara, District Munger.
 8. Bhukhan Gope son of Harkhit Gope deceased. resident of Kirpa Ram Deeh



P.S. Sikandara, District Munger.

9. Ambika Yadav son of Harkhit Gope deceased. resident of Kirpa Ram Deeh P.S. Sikandara, District Munger.
10. Garib Yadav son of Harkhit Gope deceased resident of Kirpa Ram Deeh P.S. Sikandara, District Munger.
11. Shyam Pari Devi Daughter of Harkhit Gope deceased. resident of Kirpa Ram Deeh P.S. Sikandara, District Munger.
13. Ramrup Gope son of Nandlal Gope deceased resident of Kirpa Ram Deeh P.S. Sikandara, District Munger.
14. Munshi Gope son of Somar Gope deceased. resident of Kirpa Ram Deeh P.S. Sikandara, District Munger.
15. Munna Devi wife of Tanik Sao resident of Village Kirparamdih, P.S. Sikandra, Dist. Jamui.
16. Mahabir Sao son of Hemraj Sao deceased. resident of Kirpa Ram Deeh P.S. Sikandara, District Munger.
17. Dinesh Tanti son of Prasadi Tanti resident of Village- Piro Distt Munger.
18. Prasadi Tanti S/o Daho Tanti resident of Village- Piro Distt Munger.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bharat Lal, Advocate Mr. Rabindra Kumar, Advocate
For the Respondent/s	:	Mr. Ajay kr. Mathur, Advocate Mr. Anshay Bahadur Mathur, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

39 23-01-2024 Learned counsel for the appellants Mr. Bharat Lal along with Mr. Rabindra Kumar, and learned counsel for the respondents Mr. Anshay Bahadur Mathur are present.

2. Learned counsel for the appellants submits that in spite of his best efforts he is not in a position to comply order No.38 dated 18.12.2023 by which four weeks' time was allowed twice to the appellants for compliance of order No.37 dated 20.06.2023.

3. Learned counsel for the respondents submits that



from the order dated 20.06.2023, it shall be clear that this Hon'ble Court has pleased to condone the delay of 19 years and directed to do the needful. But even then the appellants have not persuading this matter even after granting of time on 18.12.2023.

4. It appears to this Court that this Court has granted last opportunity in the interest of justice to the appellants vide order No.38 dated 18.12.2023 to comply the order No.37 dated 20.06.2023. It has also been warned that if the said order shall not be complied within four weeks then the present appeal shall be dismissed.

5. It transpires to this Court that no effort has been taken by the appellants or their counsel to do the needful. As such, this Court has no option but to dismiss the second appeal. Accordingly, this second appeal is hereby dismissed due to non-compliance of order.

6. Office is directed to return the Lower Court's Record.

(Dr. Anshuman, J)

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