

IN THE HIGH COURT OF JUDICATURE AT PATNA
SECOND APPEAL No.169 of 1987

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Dulhin Ramswari @ Ramskhi Devi & Anr.

... .. Appellant/S

Versus

Santosh Kr.Chaudhari 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

23 23-01-2024 No one appears either on behalf of the appellants or
on behalf of the respondents.

2. Vide order No. 22, dated 09.01.2024, following
order has been passed which is stated below:-

*“From the record, it transpires that vide
order No. 19 dated 05.02.2020, no one appeared
on behalf of the appellants and again vide order
No.20, dated 05.07.2022, no one appeared on
behalf of the appellants, but vide order No.21
dated 28.11.2023, both the counsels appeared and
prayed for time and on their request, this appeal
has been adjourned and fixed in the 1st week of
January, 2024. Today, upon repeated call, no one
appeared either on behalf of the appellants or
respondents.*

*In the interest of justice and being a last
chance, this appeal is adjourned for one week i.e.,
on 23.01.2024.*



If on the said date fixed no one appears on behalf of the parties, appropriate order shall be passed.”

3. Since none appears on behalf of the appellants even after repeated call. In this background, it transpires to this Court that the appellants are not interested to pursue this appeal and therefore, this Court has no option left, but to pass the order in this appeal.

4. As such, this second appeal is dismissed due to appellants default in the light of Order XLI Rule 17 of The Code of Civil Procedure, 1908.

5. 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.

6. Office is directed to return the L.C. record to the court concerned.

(Dr. Anshuman, J.)

Prakashmani/-

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