

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**SECOND APPEAL No.410 of 1989**

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YOGESHWAR SINGH and ORS.

... .. Appellant/s

Versus

B.D.O,BIRAUUL and ORS.

... .. Respondent/s

=====

**Appearance :**

For the Appellant/s : Mr. Uday Chandra Prasad  
For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

17    01-04-2024                      No one appears either on behalf of the appellants or  
on behalf of the respondents.

2. Vide order No. 16, dated 13.02.2024, it transpires to this Court that as a matter of last indulgence, two weeks further time was granted in this appeal with specific direction that if none appears on behalf of the appellants on the next date fixed, appropriate order shall be passed. It also transpires to this Court that since last three dates, no one appeared on behalf of the appellants and this appeal has been adjourned.

3. 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.)**

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