

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No. 134 of 2021

1. Kedar Nath Rai Son of Late Bhikhari Rai Resident of Village- Bela, P.s.- Ara Mufassil, District- Bhojpur
2. Tej Narain Yadav Son of Late Bhikhari rai Resident of Village- Bela, P.s.- Ara Mufassil, District- Bhojpur
3. Ashok Yadav Son of Late Bhikhari Yadav Resident of Village- Bela, P.s.- Ara Mufassil, District- Bhojpur
4. Badri Narain Singh Son of Late Bhikhari Rai Resident of Village- Bela, P.s.- Ara Mufassil, District- Bhojpur
5. Bikas Kumar Singh Son of Late Bhikhari Rai Resident of Village- Bela, P.s.- Ara Mufassil, District- Bhojpur
6. Chinta devi D/o Late Bhikhari Yadav Resident of Village- Bela, P.s.- Ara Mufassil, District- Bhojpur
7. Tapeswari devi D/o Late Bhikhari Yadav Resident of Village- Bela, P.s.- Ara Mufassil, District- Bhojpur
8. Manna Devi D/o Late Bhikhari Yadav Resident of Village- Bela, P.s.- Ara Mufassil, District- Bhojpur
9. Mahanth Devi D/o Late Bhikhari Rai Resident of Village- Bela, P.s.- Ara Mufassil, District- Bhojpur
10. Kalawati Devi D/o Late Bhikhari Rai Resident of Village- Bela, P.s.- Ara Mufassil, District- Bhojpur

... .. Petitioner/s

Versus

1. Harendra Mishra Son of Late Ram Niwas Mishra Present resident of Mohalla- Ishai Tola (Devi Das Dera), House No. 224, P.o.- Jhanshi, P.s.- Prem Nagar, District- Jhanshi, Uttar Pradesh
2. Deo Prasad Mishra Son of Late Ram Niwas Mishra Present resident of Mohalla- Ishai Tola (Devi Das Dera), House No. 224, P.o.- Jhanshi, P.s.- Prem Nagar, District- Jhanshi, Uttar Pradesh
3. Daya Shankar Mishra Son of Late Kishun Prasad Mishra Present resident of Mohalla- Ishai Tola (Devi Das Dera), House No. 224, P.o.- Jhanshi, P.s.- Prem Nagar, District- Jhanshi, Uttar Pradesh
4. Ravi Mishra Son of Late Kishun Prasad Mishra Present resident of Mohalla- Ishai Tola (Devi Das Dera), House No. 224, P.o.- Jhanshi, P.s.- Prem Nagar, District- Jhanshi, Uttar Pradesh
5. Manoj Mishra Son of Late Kishun Prasad Mishra Present resident of Mohalla- Ishai Tola (Devi Das Dera), House No. 224, P.o.- Jhanshi, P.s.- Prem Nagar, District- Jhanshi, Uttar Pradesh
6. Santosh Mishra Son of Late Kishun Prasad Mishra Present resident of Mohalla- Ishai Tola (Devi Das Dera), House No. 224, P.o.- Jhanshi, P.s.- Prem Nagar, District- Jhanshi, Uttar Pradesh
7. Sushila Kunwar Wife of Late Chandradeo Mishra resident of Village- Bela, P.s.- Ara Mufassil, District- Bhojpur, Present resident of Mohalla- Ishai Tola (Devi Das Dera), House No. 224, P.o.- Jhanshi, P.s.- Prem Nagar, District- Jhanshi, Uttar Pradesh



8. Pawan Mishra Son of Late Chandradeo Mishra resident of Village- Bela, P.s.- Ara Mufassil, District- Bhojpur, Present resident of Mohalla- Ishai Tola (Devi Das Dera), House No. 224, P.o.- Jhanshi, P.s.- Prem Nagar, District- Jhanshi, Uttar Pradesh
9. Sohan Mishra Son of Late Chandradeo Mishra resident of Village- Bela, P.s.- Ara Mufassil, District- Bhojpur, Present resident of Mohalla- Ishai Tola (Devi Das Dera), House No. 224, P.o.- Jhanshi, P.s.- Prem Nagar, District- Jhanshi, Uttar Pradesh
10. Uma Shankar Mishra Son of Late Chandradeo Mishra resident of Village- Bela, P.s.- Ara Mufassil, District- Bhojpur, Present resident of Mohalla- Ishai Tola (Devi Das Dera), House No. 224, P.o.- Jhanshi, P.s.- Prem Nagar, District- Jhanshi, Uttar Pradesh
11. Ghanshyam Mishra Son of Chandradeo Mishra resident of Village- Bela, P.s.- Ara Mufassil, District- Bhojpur, Present resident of Mohalla- Ishai Tola (Devi Das Dera), House No. 224, P.o.- Jhanshi, P.s.- Prem Nagar, District- Jhanshi, Uttar Pradesh
12. Raj Roshan Devi Wife of Brajesh Narain Mishra resident of Village- Bela, P.s.- Ara Mufassil, District- Bhojpur,

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anish Chandra Sinha, Advocate
For the Respondent/s : Mr. Ravindra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 22-03-2024 Heard learned counsel for the petitioners and learned
counsel for the respondent No. 12.

2. Learned counsel for the respondent No. 12 submits
that the matter has become infructuous since the Title Appeal
No. 8 of 2019 has been dismissed for non-prosecution by the
learned 1st Appellate Court by order dated 28.12.2022.

3. Since the order of dismissal was passed way back
in the year 2022 and thereafter, the matter has been fixed on a
number of occasions before this Court, yet this Court was not
apprised by the petitioners about dismissal of their appeal before



the learned 1st Appellate Court, such conduct on part of the petitioners is deplorable.

4. In this regard the learned counsel for the petitioners is reminded of his duty towards this Court first and foremost as an officer of this Court.

5. Since the matter has become infructuous, the petition is dismissed.

(Arun Kumar Jha, J)

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