IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 2nd OF FEBRUARY, 2024

SECOND APPEAL No. 120 of 2007

BETWEEN:-

1. **RAMCHANDAR S/O LATE SHRI GORDHANLAL, AGED ABOUT 48 YEARS, OCCUPATION: KASTKARI, R/O VILLAGE SILPATI BARWAL, AT PRESENT DHANMANDI, BIAORA PARGANA BIAORA, DISTT. RAJGARH (MADHYA PRADESH)**

2. **SMT. PREMLATA D/O GORDHANLAL W/O RAMCHANDRA, AGED ABOUT 53 YEARS, OCCUPATION: HOUSEHOLD, R/O NEAR KHADE HANUMAN MANDIR, BIAORA, DISTT. RAJGARH (MADHYA PRADESH)**

3. **JAMNAPRASAD S/O GORDHAN, AGED ABOUT 51 YEARS, OCCUPATION: GOVT. SERVANT, R/O NARSINGHGARH (TEACHER COLONY), PARGANA NARSINGHGARH, DISTT. RAJGARH (MADHYA PRADESH)**

.....APPELLANTS

(NONE FOR THE APPELLANTS)

AND

1A. **BITTHALDAS THR. LR. SHASHIKANT WD/O LATE SHRI BITTHALDAS SHARMA, AGED ABOUT 50 YEARS, R/O ANJANI MANDIR ROAD, BIAORA, DISTT. RAJGARH (MADHYA PRADESH)**

1B. **GOPAL SHARMA S/O LATE BITTHALDAS SHARMA, AGED ABOUT 42 YEARS, ANJANI R/O ANJANI MANDIR ROAD, BIAORA, DISTT. RAJGARH (MADHYA PRADESH)**

1C. **DHARMENDRA S/O LATE SHRI BITTHALDAS SHARMA, AGED ABOUT 35 YEARS, R/O ANJANI MANDIR ROAD, BIAORA, DISTT. RAJGARH (MADHYA PRADESH)**

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1D. DEVENDRA S/O LATE BITTHALDAS SHARMA, AGED ABOUT 32 YEARS, R/O ANJANI MANDIR ROAD, BIAORA, DISTT. RAJGARH (MADHYA PRADESH)

1E. SHAILENDRA S/O BITTHALDAS SHARMA, AGED ABOUT 30 YEARS, R/O ANJANI MANDIR ROAD, BIAORA, DISTT. RAJGARH (MADHYA PRADESH)

1F. RAGHVENDRA S/O BITTHALDAS SHARMA, AGED ABOUT 29 YEARS, R/O ANJANI MANDIR ROAD, BIAORA, DISTT. RAJGARH (MADHYA PRADESH)

2. KAMLABAI W/O BADRIPRASAD, AGED ABOUT 73 YEARS, NEAR BIHARI MANDIR, BIAORA DISTT. RAJGARH (MADHYA PRADESH)

3A. SHANTIBAI (DECEASED) THROUGH LR GOPAL S/O DHOOLJI, R/O JAIL ROAD, RAJGARH DISTT. RAJGARH (MADHYA PRADESH)

3B. SHANTIBAI (DECEASED) THROUGH LR SMT. GIRIJABAI W/O JUGALKISHORE JOSHI, R/O NEAR PARAYAN CHOWK, RAJGARH DISTT. RAJGARH (MADHYA PRADESH)

3C. SHANTIBAI (DECEASED) THROUGH LR INDIRA BAI W/O GIRISH R/O PACHORE, RAJGARH DISTT. RAJGARH (MADHYA PRADESH)

4. KAILASHIBAI W/O KALYANJI, AGED ABOUT 58 YEARS, OCCUPATION: HOUSE HOLD JHALAWAR (RAJASTHAN)

5. KASHIBAI W/O KAMLASHANKAR, AGED ABOUT 52 YEARS, OCCUPATION: HOUSEHOLD, R/O BICHLIRAVLA, MACHALPUR, DISTRICT RAJGARH (MADHYA PRADESH)

6A. GEETABAI (DECEASED) THROUGH LR SMT. SUSHILA UPADHAYAYA W/O SUMITI PRAKASH UPADHYAYA, AGED 59 YEARS, R/O ARYA SAMAJ CHOWK, BIAORA, DISTRICT RAJGARH (MADHYA PRADESH)

6B. GEETABAI (DECEASED) THROUGH LR SATYEN TIWARI S/O LATE SHRI PURSHOTTAM TIWARI, AGED 57 YEARS, R/O SHAHID COLONY, NEAR KELA MATA TEMPLE, BIAORA, DISTRIC RAJGARH (MADHYA PRADESH)

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6C. GEETABAI (DECEASED) THROUGH LR DR. MAHESH KUMAR TIWARI S/O LATE SHRI PURSHOTTAM TIWARI, AGED 55 YEARS, R/O A-38, PATEL NAGAR, RAISEN ROAD, BHOPAL (MADHYA PRADESH)

7. STATE OF MP THROUGH COLLECTOR RAJGARH (MADHYA PRADESH)

8. NAYAB TEHSILDAR, CIRCLE SUTHALIYA, DISTT.- RAJGARH (MADHYA PRADESH)

9. SUB DIVISIONAL OFFICER, BIAORA DISTT. RAJGARH (MADHYA PRADESH)

10. TOWN INSPECTOR, BIAORA, DIST. RAJGARH (MADHYA PRADESH)

.....RESPONDENTS

(SHRI AMIT RAVAL - GOVT. ADVOCATE FOR THE RESPONDENTS NO.7 TO 10 / STATE)

This appeal coming on for admission this day, the court passed the following:

ORDER

From perusal of the earlier order sheets, it reveals that nobody has marked appearance on behalf of the appellants on earlier occasions i.e. on 03/09/2019, 16/09/2019, 15/10/2019, 04/02/2020 and 13/03/2020. Today also nobody appeared on behalf of the appellants.

It is apparent that for last five years, nobody is appearing on behalf of the appellants. On 03/09/2019 this Court had directed the appellant to make default good within stipulated period else the appeal was directed to be dismissed without reference to the Court.

Despite specific direction, order dated 03/09/2019 has not been complied with for last five years. The repeated non-appearance of the appellants is sufficient to show that appellants have lost their interest in prosecuting this second appeal.

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Therefore, the second appeal is dismissed in default for want of prosecution.

Let record of both the Courts below be returned to the concerned Courts below along with copy of this order.

(ANIL VERMA)
JUDGE

Tej

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