

IN THE HIGH COURT OF JUDICATURE AT PATNA
SECOND APPEAL No.455 of 1989

- 1 Shri Shyam Babu, Son of Late Bhagwan Das, Resident of Mohalla Badgarghat as part of Balki shunganj, Police Station – Aalamganj in the Town and District of Patna
- 1(a) Most. Nailash Pati Devi, Widow of Shyam Babu, Resident of Mohalla– Baderghat as part of Balkishunganj, Police Station – Alamganj in the town and District of Patna.
- 1(b) Deenanath Nath Prasad, Son of Late Shyam Babu, Resident Mohalla– Baderghat as part of Balkishunganj, Police Station – Alamganj in the town and District of Patna.
- 1(c) Madan Kumar, Son of Late Shyam Babu, Resident of Mohalla – Baderghat as part of Balkishunganj, Police Station – Alamganj in the town and District of Patna.
- 1(c)(i) Most. Bindu Devi, W/o Late Madan Kumar, Resident of Mohalla, Baddarghat, P.S. Alamganj, District- Patna.
- 1(c)(ii) Juhi Kumri (Minor), D/o Late Madan Kumar, under the guardianship of the mother and well wisher Most. Bindu Devi, Resident of Mohalla, Baddarghat, P.S. Alamganj, District- Patna.
- 1(c)(iii) Khushbu Kumari (Minor), D/o Late Madan Kumar, under the guardianship of the mother and well wisher Most. Bindu Devi, Resident of Mohalla, Baddarghat, P.S. Alamganj, District- Patna.
- 1(c)(iv) Aarti Kumari (Minor), D/o Late Madan Kumar, under the guardianship of the mother and well wisher Most. Bindu Devi, Resident of Mohalla, Baddarghat, P.S. Alamganj, District- Patna.
- 1(c)(v) Raja Babu (Minor), S/o Late Madan Kumar, under the guardianship of the mother and well wisher Most. Bindu Devi, Resident of Mohalla, Baddarghat, P.S. Alamganj, District- Patna.
- 1(d) Mohan Kumar, Son of Late Shyam Babu, Resident of Mohalla – Baderghat as part of Balkishunganj, Police Station – Alamganj in the town and District of Patna.
- 1(e) Sohan Kumar, Son of Late Shyam Babu, Resident of Mohalla – Baderghat as part of Balkishunganj, Police Station – Alamganj in the town and District of Patna.
- 1(f) Prem Kumar (Minor), Son of Late Shyam Babu, under the guardianship of his brother and well wisher Deenanath Prasad, Resident of Mohalla – Baderghat as part of Balkishunganj, Police Station – Alamganj in the town and District of Patna.
- 1(g) Smt. Sabitri Devi, D/o Late Shyam Babu and wife of Shri Bhola Sao, Resident of Village, Post Office and Police Station – Poonpoon, District- Patna.

... .. Appellant/s



Versus

1. Kartik Prasad, Son of Late Moti Lal, Mohalla Baddarghat, part at Muhalla Balki Shunganj, P.S. Aalamganj in the Town and District- Patna.
- 1(i) Most. Lakshami Devi, W/o Late Kartik Pd., Resident of Mohalla Baddarghat Part of Mohalla Bal Kishunganj, P.S. Alamganj Town and District – Patna.
- 1(ii) Umesh Prasad, Son of Late Kartik Pd., Resident of Mohalla Baddarghat Part of Mohalla Bal Kishunganj, P.S. Alamganj Town and District – Patna.
2. Ramji Prasad, Son of Late Moti Lal, Mohalla Baddarghat, part at Muhalla Balki Shunganj, P.S. Aalamganj in the Town and District- Patna.
- 2(i) Kamla Devi, Widow of Late Ramji Prasad, Resident of Mohalla Balkishunganj Kabutari Gali, P.O. Gulzarbagh Patna 800007, P.S. Alamganj town and District Patna.
- 2(ii) Mukesh Kumar, Son of Late Ramji Prasad, Resident of Mohalla Balkishunganj Kabutari Gali, P.O. Gulzarbagh Patna 800007, P.S. Alamganj town and District Patna.
- 2(iii) Sushil Kumar alias Pinku, Son of Late Ramji Prasad, Resident of Mohalla Balkishunganj Kabutari Gali, P.O. Gulzarbagh Patna 800007, P.S.-Alamganj town and District Patna.
3. Smt Geeta Devi, D/o Late Moti Lal, Mohalla Baddarghat, part at Muhalla Balki Shunganj, P.S. Aalamganj in the Town and District- Patna.
4. Surendra Prasad, S/o Late Narain Lal, Mohalla – Baddarghat Part of Balkishunganj, P.S. -Aalamganj, Town and District- Patna.
5. Smt. Vidaya Devi, D/o Late Narain Lal, Mohalla – Baddarghat Part of Balkishunganj, P.S.-Aalamganj, Town and District- Patna.
6. Smt. Kushum Devi, D/o Late Narain Lal, Mohalla – Baddarghat Part of Balkishunganj, P.S. Aalamganj, Town and District- Patna.
7. Smt. Radha Devi, D/o Late Motilal, Mohalla – Baddarghat Part of Balkishunganj, P.S. Aalamganj, Town and District- Patna.
8. Smt. Amko Devi, Wife of Sri Rameshwar Prasad, Mohalla – Baddarghat Part of Balkishunganj, P.S. Aalamganj, Town and District- Patna.
9. Smt. Hira Pati Devi, Wife of Sri Dip Narain Sah, Resident of Asansole, Opposite India Hotel, P.S. Asansole, West Bengal.

... .. 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 KHATIM REZA
ORAL ORDER

38 04-02-2025

None appears on behalf of either sides.

2. It appears that this second appeal stood dismissed



in default on 13.03.2023 as against respondent nos. 3 and 7 for non-compliance of order dated 13.02.2023.

3. Since this second appeal arises out of a Partition Suit, whole appeal will become incompetent in absence of respondent nos. 3 and 7.

(Khatim Reza, J)

J. Alam/-

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