

IN THE HIGH COURT OF JUDICATURE AT PATNA
SECOND APPEAL No. 35 of 1993

1. Nagendra Singh.
2. Surendra Singh.
3. Vijay Singh.
4. Ajay Singh.
5. Sanjay Kumar
All sons of Shubh Narayan Singh.
6. Seema Kumari.
7. Shanti Devi.
8. Usha Devi.
9. Mala Devi.
All daughters of Shubh Narayan Singh.
10. Mostt. Kamla Devi, wife of Shubh Narayan Singh. All presently residents
of Village-Kumna, Police Station-Jalalpur, District- Saran.
-- ----Objectors-Appellants- Appellants.
Versus
1. Ram Kumar Singh, son of Ram Rekha Singh, resident of Village-Kumna,
Post Office-Jalalpur Police Station-Jalalpur, District- Saran
----Opposite Party-Respondent- Respondent.

Appearance :

For the Appellant/s : Mr. Vijay Kumar Sinha, Advocate
For the Respondent/s : Mr. Narendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

21 18-08-2025 Interlocutory Application No. 417 of 2014 was filed

by the appellant under Order XXII Rule 4 read with Rule 9 of

the Code of Civil Procedure, for substituting the names of the

legal heirs of the sole respondent, Ram Kumar Singh, who died
on 30.08.2011, leaving behind his heirs and legal
representatives. The appellants have also prayed for setting
aside abatement against the sole respondent and also prayed
for condoning the delay in filing the setting aside abatement
through Interlocutory Application No. 416 of 2014 filed under
Section 5 of the Limitation Act, 1963.



2. Office has pointed out that the aforesaid interlocutory applications stood dismissed for non-compliance with the order dated 05.08.2025. As a result, the appeal remains pending against the deceased sole respondent and stands abated.

3. In view of the above circumstances, and in the absence of any surviving respondent or substitution of legal representatives, the appeal is rendered incompetent. Accordingly, the present Second Appeal is dismissed as abated.

(Khatim Reza, J)

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