

IN THE HIGH COURT OF JUDICATURE AT PATNA
SECOND APPEAL No.217 of 1997

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Nageshwar Yadav, son of late Shyam Yadav, resident of village-Kako Tola,
Pahal-Bigha, P.S.- Kako, District- Jehanabad

... .. Appellant/s

Versus

Priti Devi, wife of Rajnandan Singh and daughter of late Ram Lagan Singh,
Village Pahal Bigha, P.S.- Kako, District- Jehanabad.

... .. Respondent/s

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Appearance :

For the Appellant/s : None

For the Respondent/s : Mr. S. K. Lal, Senior Advocate
Mr. P. K. Lal, Advocate

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

8 10-04-2025 Nobody appears on behalf of the appellant since long.

Learned counsel for the respondent is present.

Re: I.A. No. 5 of 2025

2. This interlocutory application has been filed by the respondent under Order XXII Rule 3(2) read with Section 151 of the Code of Civil Procedure for abatement of the instant Second Appeal against the sole appellant.

3. Learned counsel for the respondent submits that during the pendency of the appeal, sole appellant namely, Nageshwar Yadav died on 01.11.2024. But till date, no steps have been taken on behalf of the appellant for substituting the name of his heirs or setting aside abatement against him. It is further submitted that in the aforesaid circumstances, the appeal is liable to be abated against the sole appellant.



4. Considering the aforesaid facts and circumstances of the case and averments made in the interlocutory application, the instant appeal is abated on account of death of the sole appellant as no steps have been taken by the heirs of deceased sole appellant.

5. Accordingly, I.A. No. 5 of 2025 is allowed.

Re: I.A. No. 4 of 2024

6. This interlocutory application has been filed by respondent under Order XXII Rule 3 read with Section 151 of the Code of Civil Procedure for substituting the name of sole appellant.

7. Learned counsel for the respondent submits that since the instant appeal is already abated as such, he does not want to press this interlocutory application.

8. In such view of the matter, I.A. No. 4 of 2024 is dismissed as not pressed.

(Khatim Reza, J)

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