

IN THE HIGH COURT OF JUDICATURE AT PATNA
SECOND APPEAL No.723 of 2019

1. Ramjee Sharma @ Sanjay Kumar Sharma, Son of Late Hari Sharma, Resident of Bhabul Ward no. 7 (New) (old-1) P.S.- Bhabua, District- Kaimur.
2. Laxman Sharma, @ Santosh Sharma, son of Late Hari Sharma, Resident of Bhabul Ward no. 7 (New) (old-1) P.S.- Bhabua, District- Kaimur.
3. Ramawati, Devi, daughter of Late Hari Sharma, Resident of Bhabul Ward no. 7 (New) (old-1) P.S.- Bhabua, District- Kaimur.
4. Parwati Devi, daughter of Late Hari Sharma, Resident of Bhabul Ward no. 7 (New) (old-1) P.S.- Bhabua, District- Kaimur.
5. Janki Devi, daughter of Late Hari Sharma, Resident of Bhabul Ward no. 7 (New) (old-1) P.S.- Bhabua, District- Kaimur.
6. Jashoda Devi, daughter of Late Hari Sharma, Resident of Bhabul Ward no. 7 (New) (old-1) P.S.- Bhabua, District- Kaimur.
7. Kaikeyee Devi, daughter of Late Hari Sharma, Resident of Bhabul Ward no. 7 (New) (old-1) P.S.- Bhabua, District- Kaimur.
8. Sumitra Devi, daughter of Late Hari Sharma, Resident of Bhabul Ward no. 7 (New) (old-1) P.S.- Bhabua, District- Kaimur.
9. Urmila Devi, daughter of Late Hari Sharma, Resident of Bhabul Ward no. 7 (New) (old-1) P.S.- Bhabua, District- Kaimur.
10. Rukmina Devi, daughter of Late Hari Shari Sharma, Resident of Bhabul Ward no. 7 (New) (old-1) P.S.- Bhabua, District- Kaimur.
11. Vinowa Lohar, son of Late Lallan Mistri, Resident of Village- Sikathi, Police Station Bhabua, At present Bhabua Town, Ward no. 7, New (Old-1) P.O. and P.S.- Bhabua, District- Rohtas at present- Kaimur at Bhabua.
12. Uma Shankar, son of Late Lallan Mistri, Resident of Village- Sikathi, Police Station Bhabua, At present Bhabua Town, Ward no. 7, New (Old-1) P.O. and P.S.- Bhabua, District- Rohtas at present- Kaimur at Bhabua.
13. Rama Shankar, son of Late Lallan Mistri, Resident of Village- Sikathi, Police Station Bhabua, At present Bhabua Town, Ward no. 7, New (Old-1) P.O. and P.S.- Bhabua, District- Rohtas at present- Kaimur at Bhabua.
14. Sharda Devi, Wife of Shri Adahar Sharma, Resident of Village- Muthani, Police Station- Mohania, District- Rohtas at Resent Kaimur at Bhabua.
15. Deenanath Sharma, Son of Late Banarasi Sharma, Resident of Village- Mohania, Police Station- Mohania, District- Rohtas at Present Kaimur at Bhabua.
16. Kausalya Devi, Daughter of Late Banarasi Sharma, Resident of Village- Mohania, Police Station- Mohania, District- Rohtas at Present Kaimur at Bhabua.

... .. Appellant/s

Versus



1. Sudha Agrawal, wife of Bharat Bhushan, Resident of Bhabua Ward no. 22, P.s.- Bhabua, Distt- Kaimur.
2. Smt. Nilam Agrawal, Wife of Alokya Narayan Agrawal, Resident of Bhabua Ward no. 22, P.s.- Bhabua, Distt- Kaimur.
3. Smt. Sabita Devi, daughter of Nalini Kant Agrawal, Resident of Bhabua Ward no. 22, P.s.- Bhabua, Distt- Kaimur.
4. Smt. Mandavi Agrawal, wife of Ravi Agrawal, Resident of Bhabua Ward no. 22, P.s.- Bhabua, Distt- Kaimur.
5. Uma Kant Agrawal, Son of Baij Nath Prasad Agrawal, Resident of Bhabua Town, Ward no. 22 New (Old-3) P.S. and P.O. Bhabua, District- Rohtas at Present Kaimur at Bhabua.
6. Prakashwati Kuer, wife of Kamla Kant Agrawal, Resident of Bhabua Town, Ward no. 22 New (Old-3) P.S. and P.O. Bhabua, District- Rohtas at Present Kaimur at Bhabua.
7. Alok Kumar Agrawal, son of Kamla Kant Agrawal, Resident of Bhabua Town, Ward no. 22 New (Old-3) P.S. and P.O. Bhabua, District- Rohtas at Present Kaimur at Bhabua.
8. Ajay Kumar Agrawal, son of Kamla Kant Agrawal, Resident of Bhabua Town, Ward no. 22 New (Old-3) P.S. and P.O. Bhabua, District- Rohtas at Present Kaimur at Bhabua.
9. Amar Kumar Agrawal, son of Kamla Kant Agrawal, Resident of Bhabua Town, Ward no. 22 New (Old-3) P.S. and P.O. Bhabua, District- Rohtas at Present Kaimur at Bhabua.
10. Archana Agrawal, daughter of Kamla Kant Agrawal, Resident of Bhabua Town, Ward no. 22 New (Old-3) P.S. and P.O. Bhabua, District- Rohtas at Present Kaimur at Bhabua.
11. Abha Agrawal, daughter of Kamla Kant Agrawal, Resident of Bhabua Town, Ward no. 22 New (Old-3) P.S. and P.O. Bhabua, District- Rohtas at Present Kaimur at Bhabua.
12. Amita Agrawal, daughter of Kamla Kant Agrawal, Resident of Bhabua Town, Ward no. 22 New (Old-3) P.S. and P.O. Bhabua, District- Rohtas at Present Kaimur at Bhabua.
13. Anjana Agrawal, daughter of Kamla Kant Agrawal, Resident of Bhabua Town, Ward no. 22 New (Old-3) P.S. and P.O. Bhabua, District- Rohtas at Present Kaimur at Bhabua.
14. Nirmal Kumar Agrawal, son of Lakhi Prasad Agrawal, Resident of Bhabua Town, Ward no. 22 New (Old-3) P.S. and P.O. Bhabua, District- Rohtas at Present Kaimur at Bhabua.
15. Bijay Kumar Agrawal, son of Lakhi Prasad Agrawal, Resident of Bhabua Town, Ward no. 22 New (Old-3) P.S. and P.O. Bhabua, District- Rohtas at Present Kaimur at Bhabua.
16. Vinod Kumar Agrawal, son of Lakhi Prasad Agrawal, Resident of Bhabua Town, Ward no. 22 New (Old-3) P.S. and P.O. Bhabua, District- Rohtas at Present Kaimur at Bhabua.
17. Reena Agrawal, daughter of Lakhi Prasad Agrawal, Resident of Bhabua



- Town, Ward no. 22 New (Old-3) P.S. and P.O. Bhabua, District- Rohtas at Present Kaimur at Bhabua.
18. Mamta AGrawal, wife of Late Sri Kant Agrawal, Resident of Bhabua Town, Ward no. 22 New (Old-3) P.S. and P.O. Bhabua, District- Rohtas at Present Kaimur at Bhabua.
 19. Ritu Agrawal (Minor) Daughter of Late Srikant Agrawal, Resident of Bhabua Town, Ward no. 22 New (Old-3) P.S. and P.O. Bhabua, District- Rohtas at Present Kaimur at Bhabua.
 20. Rubi Agrawal, (Minor) daughter of Leela Agrawal, Resident of Bhabua Town, Ward no. 22 New (Old-3) P.S. and P.O. Bhabua, District- Rohtas at Present Kaimur at Bhabua.
 21. Ravi Agrawal, Son of Leela Agrawal, Resident of Bhabua Town, Ward no. 22 New (Old-3) P.S. and P.O. Bhabua, District- Rohtas at Present Kaimur at Bhabua.
 22. Shashi Bhushan Agrawal, daughter of Lakhi Prasad Agrawal, Resident of Bhabua Town, Ward no. 22 New (Old-3) P.S. and P.O. Bhabua, District- Rohtas at Present Kaimur at Bhabua.
 23. Prema Devi, daughter of Lakhi Prasad Agrawal, Resident of Bhabua Town, Ward no. 22 New (Old-3) P.S. and P.O. Bhabua, District- Rohtas at Present Kaimur at Bhabua.
 24. Sushila Rani, daughter of Lakhi Prasad Agrawal, Resident of Bhabua Town, Ward no. 22 New (Old-3) P.S. and P.O. Bhabua, District- Rohtas at Present Kaimur at Bhabua.
 25. Vina Agrawal, daughter of Lakhi Prasad Agrawal, Resident of Bhabua Town, Ward no. 22 New (Old-3) P.S. and P.O. Bhabua, District- Rohtas at Present Kaimur at Bhabua.

... ... Respondent/s

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Appearance :

For the Appellant/s : None
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 28-01-2025 Nobody appears on behalf of the appellants.

2. Perused the office note dated 24.01.2025 as well as stamp report dated 16.01.2025.

3. Earlier, the appellants had filed Second Appeal No. 241 of 2008 to this Court against the judgment and decree dated 29.02.2008 passed in Title Appeal No. 07 of 1983 / 26 of 2005



which was dismissed for default due to non-compliance of order dated 11.01.2012 passed by Bench of this Court. Thereafter the appellants filed restoration application bearing M.J.C. No. 3523 of 2015 for restoration of Second Appeal No. 241 of 2008 which was also dismissed vide order dated 24.02.2016 passed by Bench of this Court. Thereafter, the appellants moved to Hon'ble Supreme Court and filed Special Leave Petition bearing S.L.P. (C) D No. 26689 of 2016 against the order dated 11.01.2012 passed in Second Appeal No. 241 of 2008 and order dated 24.02.2016 passed in M.J.C. No. 3523 of 2015. The same was dismissed vide order dated 01.07.2019 by the Hon'ble Supreme Court.

4. The instant Second Appeal has been filed again against the judgment and decree dated 29.02.2008 passed in Title Appeal No. 07 of 1983 / 26 of 2005 whereby the judgment and decree of trial court dated 14.03.1983 has been affirmed.

5. In view of the aforesaid facts and circumstances of the case, the instant Second Appeal is not maintainable.

6. Accordingly, the instant Second Appeal is dismissed as not maintainable.

(Khatim Reza, J)

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