

Patna High Court - Orders

Ram Chandra Tiwary vs Hajari Tiwary & Ors on 10 July, 2008

IN THE HIGH COURT OF JUDICATURE AT PATNA

SA No.95 of 1985

RAM CHANDRA TIWARY

Versus

PRAHALAD TIWARY & ORS

-----

36/ 10.07.2008 Heard learned counsel for the appellant and learned counsel for some of the respondents.

This Second Appeal will be heard. Admit. Following substantial question of law arises for consideration in the instant Second Appeal :

(i) Whether the impugned judgment and decree of the lower appellate court can be sustained in law in view of the facts that it was passed against a dead person, namely, Ram Nandan Ojha, who was appellant no.3 and had died during the pendency of the title appeal but neither the other appellants or the heirs of the said Ram Nandan Ojha took any step for substitution of his heirs?

Learned counsel appearing for some of the respondents accepts appeal notice on their behalf.

Let appeal notice be sent to the remaining respondents by ordinary process for which Talbana etc. must be filed within one week, failing which this Second Appeal as against them shall stand dismissed without further reference to a Bench.

Call for lower court records.

harish

(S.N. Hussain, J.)