

Bijali Thakur and ors Vs. Rameshwar Thakur and ors

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SooperKanoon Citation : sooperkanoon.com/975022

Court : Patna

Decided On : May-11-2012

Appellant : Bijali Thakur and ors

Respondent : Rameshwar Thakur and ors

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA First Appeal No.3 of 1973
Bijali Thakur & Ors Versus Rameshwar Thakur & Ors -----
134. 11.01.2012 Heard the learned senior counsel, Mr. S.S.Dvivedi on behalf of the respondents on I.A. No.1834 of 2004 and the learned counsel, Mr. Madhav Roy on behalf of the appellants. It appears that after hearing the parties at length by terms of order dated 16.05.1977, a Division Bench of this Court held that the First Appeal has abated. In view of the above prayer made by the respondents unless the order passed by the Division Bench is set aside or modified, the appeal cannot be restored. Because the order has been passed by Division Bench, a Single Bench cannot either modify or alter or set aside the order passed by the Division Bench. Therefore, in my opinion, this application filed by the respondents should be heard by a Division Bench. In such circumstances, the office may list this I.A. before appropriate Division Bench after obtaining leave from the Honble the Chief Justice. Saurabh (Mungeshwar Sahoo,J.)