

In the Court of District Judge I, Darbhanga

Present : Neeraj Kumar II, BSJS, BR00552

Miscellaneous Appeal 01/2023

Against the Order Dated 01/09/2022 passed by Civil Judge SD – V, Darbhanga in Partition Suit 207/2023
Alauddin Khan vs. Azmati Khanam and others

S.N	Date of order	Order with signature	Office notes as to action taken
1	2	3	4
	10/08/2026	1. Both the sides are absent. Case called out. On repeated calls, nobody responded on behalf of the either side till 3:15 PM. 2. Perused the case record. The instant appeal was brought by the appellant, having been aggrieved Order Dated 01/09/2022 passed by the Learned Civil Judge SD – V, Darbhanga in Partition Suit 207/2023. The Learned Civil Judge dismissed the Petition under Order XXXIX Rule 1 and 2 CPC filed by the appellant. 3. The parties, particularly the appellant left taking interest in the case after 27/11/2024 though the case is running for hearing . 4. Order XLIII Rule 2 CPC - Procedure— The rules of Order XLI shall apply, so far as may be, to appeals from orders. 5. Order XLI rule 17 of the Code of Civil Procedure - Dismissal of appeal for appellants default— (1) Where on the day fixed, or on any other day which the hearing may be adjourned, the appellant does not appear when the appeal is called on for hearing, the Court may make an order that the appeal be dismissed. [Explanation—Nothing in this sub-rule shall be construed as empowering the Court to dismiss the appeal on the merits.] 6. It is abundantly clear that the none of the side, particularly the appellant is interested in further proceedings of the case. In these circumstances, there is no point in carrying on with the case, as it would be nothing but sheer wastage of time. Hence the Instant Title Appeal is dismissed due to Appellant's default. 7. Office is directed to deposit the record in the record room or any other specified place in accordance with the rules, but after all due diligence. Written and corrected by Neeraj Kumar II District Judge I, Darbhanga	