

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.295 of 1976

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Govind Tiwary

.... Appellant/s

Versus

Radha Ahir & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Kumar Brajendra Nath
Mr. Jitendra Pd.

For the Respondent/s : Mr. Amrendra Sharan

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

32 23-06-2015 Nobody appeared when the appeal is called on for hearing.

It appears that the First Appeal was listed for hearing earlier on the prayer of the learned counsel for the appellant and on 31.03.2015, the learned counsel for the appellant submitted that the sole appellant has died sometimes ago and, therefore, he is to file substitution application. On his prayer, the appeal was adjourned. On 04.05.2015, again prayer was made that sole appellant has died and one month time was prayed for filing substitution application. Time was granted and the case was adjourned for after Summer Vacation.

Today when this First Appeal is called on for hearing, nobody is appearing. No substitution application has been filed.

In view of the submission made on 31.03.2015, it

appears that ninety days has already been passed but no substitution application has been filed. Therefore, on this account also, the appeal has abated against the appellant automatically in view of Order 22 Rule 3(2) C.P.C.

Accordingly, this First Appeal is dismissed on both accounts i.e. for dismissed for default and dismissed as abated.

(Mungeshwar Sahoo, J)

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