

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.328 of 1980

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Ram Sarekh Pandey & Ors

.... Appellant/s

Versus

Vidaya Pandey & Anr

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Amrendra Bihari Saran
Mr. C.B.Sahay

For the Respondent/s : Mr. Rajendra Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

9 20-05-2015

Perused the office note dated 19.05.2015.

According to the office note, the appeal has already abated against the deceased respondent No.1, in view of the order dated 06.02.1998.

From perusal of the impugned judgment and as submitted by the learned counsel for the respondents, it appears that the plaintiffs-appellants had filed the suit for partition claiming half share in the property. The defendant No.1 along with his father filed contesting written statement. His father died. Thereafter, the son also died who is respondent No.1 but the legal representatives have not been brought on record by the appellants.

Now, therefore, in absence of the legal representatives of the deceased respondents No.1, the impugned judgment and decree neither can be altered nor set aside nor

modified and, therefore, the whole appeal become now incompetent to proceed.

Accordingly, this First Appeal is dismissed as incompetent.

(Mungeshwar Sahoo, J)

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