

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.921 of 1978

Uchit Tanti & Ors

.... Appellant/s

Versus

Chandra Devi & Ors

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Guru Sharan Sharma
Mr. Surendra Kishore Thakur
Mr. Pramod Kumar Verma
Mr. Krishna Deo Ram

For the Respondent/s : Mr. Rama Kant Pd.Singh
Mr. Raghav Prasad

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

41 16-07-2015

Perused the office note dated 01.07.2015.

According to the office note, this appeal has already been dismissed against the heirs of deceased respondent No.1 for non-compliance of the peremptory order dated 16.05.2007.

Nobody appeared on behalf of the appellants.

From perusal of the impugned judgment, it appears that only the contesting respondent is the defendant-respondent No.1. He had only contested the suit by filing the written statement and on his death, his legal representatives/heirs were substituted against whom the appeal has already been dismissed.

Now, therefore, this appeal has become incompetent to proceed as in absence of the heirs of the deceased respondent

No.1, the impugned judgment and decree neither can be altered
nor modified nor set aside.

Accordingly, this First Appeal is dismissed.

(Mungeshwar Sahoo, J)

Saurabh/-

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