

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.567 of 1984

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Jagarnath Mahto & Ors

.... Appellant/s

Versus

Sumitra Devi & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Siya Saran
Mr. Kaushal Kr.

For the Respondent/s : Mr.
Mr. Sheo Shankar Pd.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

10 23-11-2015

Perused the office note dated 06.11.2015.

According to the office note, the appeal has already been dismissed against respondent nos.3 to 6.

From perusal of the decree under appeal, it appears that these respondent nos.3 to 6 were the defendant nos.2 to 5 in the court below. Defendant no.5 i.e. respondent no.6 herein is the son of respondent no.3. From perusal of the impugned judgment, it appears that these respondents herein, who were defendant nos.2 to 5 in the court below, are the main contesting respondents as they had only contested the suit in the court below. Now, therefore, in their absence the appeal cannot proceed as the impugned judgment and decree cannot be modified, altered or set aside in absence of the contesting defendants-respondents. I,

therefore, find that this appeal has become incompetent and accordingly, it is dismissed.

(Mungeshwar Sahoo, J)

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