

IN THE HIGH COURT OF JUDICATURE AT PATNA

First Appeal No.647 of 1985

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Bipin Bihari Srivastava & Ors

.... Appellant/s

Versus

Ganpat Lal & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Lala Deoki Nandan

Mr. Naresh Pd.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

8 29-06-2015

Perused the office note dated 26.06.2015.

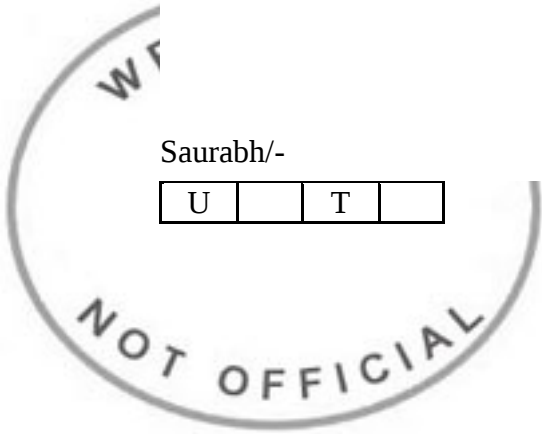
The appeal has already been dismissed against respondent No.2 for non-compliance of the peremptory order dated 23.12.1993.

So far respondent No.1 is concerned, the appellants were directed to take steps for substitution by terms of the same order dated 23.12.1993 but still today, no substitution application has been filed. Therefore, the appeal has abated against the deceased respondent No.1 automatically in view of the provision as contained in Order 22 Rule 4(3) of C.P.C.

From perusal of the memo of appeal, it appears that there were only two respondents. So far respondent No.2 is concerned, the appeal has already been dismissed and so far respondent No.1 is concerned, the appeal has abated.

Now, therefore, this appeal is incompetent to proceed.

Accordingly, it is dismissed.



(Mungeshwar Sahoo, J)