

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.162 of 1988

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1. Birbahadur Singh, son of Late Sheo Nandan Singh
2. Rabindra Kumar Singh, son of Birbahadur Singh
3. Bachi Singh @ Bablu Singh @ Udai Bahadur Singh
All residents of Villae Sukhasan Bhabanpur, Police Station
Singheshwar, District Madhepura
..... Defendants Appellants

.... Appellants

Versus

1. Surendra Narain Singh, son of Late Babu Bhagwat Singh
2. Raghendra Narain Singh
3. Amrendra Narain Singh
Sons of Surendra Narain Singh
All residents of Village Sukhasan Bhabanpur, Police Station
Singheshwar, District Madhepura
..... Plaintiffs Respondents

.... Respondents

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Appearance :

For the Appellant/s : Mr. Ashok Kumar Singh
For the Respondent/s : Mr. Abinash Kumar Sinha
Mr. Lala Sachindra Kumar
Mr. Ashok Kumar Sinha-2

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

11 11-02-2015 Learned Counsel for the appellants submits that he has no
instruction in the matter.

Perused the office notes.

It transpires from the office notes that after the demise of
appellant no. 1, Birbahadur Singh, a substitution petition (I.A. No.
4325 of 2000) has been filed. It, however, further transpires that the
said substitution petition stood rejected on 27.7.2001. The matter has
been placed today for considering the competency of the appeal in
absence of the heirs and legal representatives of the deceased
appellant no. 1. It further appears that the remaining appellants
themselves wanted to bring on record the heirs and legal

representatives of the deceased appellant no. 1, by filing the aforesaid substitution petition. No steps has been taken after rejection of the substitution petition, on 27.7.2001, on behalf of the remaining appellants, nor there is any submission on the basis of materials on record to show that this appeal may proceed in absence of the heirs and legal representatives of deceased appellant no. 1, who were sought to be substituted through the substitution petition (I.A. No. 4325 of 2000).

In that view of the matter, this appeal has now become incompetent, in absence of the remaining heirs and legal representatives of deceased appellant no. 1, and is dismissed as such.

(V. Nath, J.)

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