

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.520 of 1984

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The Union of India & Ors.

.... Appellant/s

Versus

Alakh Niranjana Prasad & Ors.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. A.Alam
Mr. Sudhir Kumar Katriar
Mr. N.A.Shamshi
Mr. Harendra Prasad Singh

For the Respondent/s : Mr. Madhusudan Kumar
Mr. Jayanandan Singh

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

16 14-07-2015

Perused the office note dated 13.07.2015.

From perusal of the office note as well as the order dated 28.01.1994, it appears that the respondent No.1 died on 05.01.1994 and the appellants were directed to take steps for substitution but still today, no substitution application has been filed. It further appears that only the respondent No.1 was the plaintiff-respondent. The suit filed by the plaintiff-respondent No.1 was decreed in his favour partly. The other respondents were defendants in the court below.

In view of the above facts, now because of non-substitution of the legal representatives of the plaintiff-respondent No.1, the appeal has already abated automatically in view of the

provision as contained in Order 22 Rule 4(3) C.P.C. after expiry of 90 days from the date of death. As stated above, since there are no other contesting respondents, therefore, the whole appeal become incompetent to proceed.

Accordingly, this First Appeal is dismissed.

(Mungeshwar Sahoo, J)

Saurabh/-

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