

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.676 of 1984

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Ram Nath Jaiswal

.... Appellant/s

Versus

Bandhu Sao & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shrinandan Pd.Singh
Mr. Murari Nr.Chy.
Mr. Manoj Kumar -1

For the Respondent/s : Mr. Ramesh Singh

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

29 07-10-2015

Perused the office note dated 06.10.2015.

According to the office note the first appeal has already been dismissed against the respondent nos.1(a) to 1(f).

From perusal of the memo of appeal, it appears that defendant no.1 is appellant in the first appeal whereas respondent no.1 was the only plaintiff-respondent, who was contesting the appeal. On his death his legal representatives were substituted being respondent nos.1(a) to 1(f). Since the appeal has already been dismissed against all the legal representatives of the deceased respondent no.1, i.e. respondent nos.1(a) to 1(f), now in their absence the impugned judgment and decree neither can be altered, modified or set aside. Therefore, this first appeal has become incompetent and accordingly, it is dismissed.

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(Mungeshwar Sahoo, J)