

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.519 of 1985

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Smt.Lal Keshwari Devi & Ors

.... Appellant/s

Versus

Ramshwarup Singh & Ors

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. S.N.Prasad

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

11 15-10-2015

Perused the office note dated 14.10.2015.

According to the office note, the appeal has already been dismissed against respondent nos.2 to 10. From perusal of the record, it appears that the defendants-respondent nos.1 to 3 had filed contesting written statement in the court below. The suit has been dismissed. Therefore, the impugned judgment and decree became final against the respondent nos.2 and 3. The judgment and decree is not separate, therefore, in absence of the respondent nos.2 and 3 the impugned judgment and decree neither can be set aside nor altered nor modified.

In my opinion, therefore, this first appeal is incompetent to proceed. Thus, this first appeal is dismissed.

(Mungeshwar Sahoo, J)

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