

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.343 of 1989

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Nagina Singh

.... Appellant/s

Versus

Rajmangal Singh & Ors.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Vindhya Keshri Kr.
Mr. Ranjana Sinha -1

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

12 22-06-2015

Perused the office note dated 18.06.2015.

This first appeal arises out of partition suit. The plaintiff's suit for partition has been dismissed. From perusal of the judgment, it appears that defendant no.1-respondent no.1 was one of the contesting defendants in the court below, who had filed contesting written statement. On his death his legal representatives were substituted before this Court on 07.02.2002. In view of the office note it appears that the first appeal has already been dismissed against the aforesaid legal representatives of the defendant no.1-respondent no.1, who are respondent nos.1(i) to 1(vii). Now, therefore, the impugned judgment and decree became final against the aforesaid respondents and in their absence the impugned judgment and decree cannot be altered, modified, varied or set aside nor fresh partition be effected. In such view of the

matter, this first appeal has become now incompetent.

Thus, it is dismissed as incompetent.

(Mungeshwar Sahoo, J)

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