

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.184 of 1988

- =====
1. Nebilal Sah, son of Sri Harihar Sah
 2. Ram Kumari Devi, wife of Nebilal Sah
Both resident of Mohalla Mauza Bazar alias Rasalpur Habib, P.S. Desri, District Vaishali at present residing at 194, China Bazar Street, Calcutta - 1

.... Appellant/s

Versus

- 1(a) Ram Shaki Devi, wife of Lakhan Sah
 - 1(b)(i) Raj Kapur Sah, son of Rajeshwar Sah
 - 1(b)(ii) Shashi Kapur, son of Rajeshwar Sah
 - 1(b)(iii) Mala Devi, daughter of Rajeshwar Sah
 - 1(b)(iv) Radha Devi, daughter of Rajeshwar Sah
 - 1(C) Ram Akwal Sah, both sons of Lakhan Sah
 - 1(d) Ram Kumari Devi, wife of Vishwanath Sah
 - 1(e) Lalti Devi, both daughters of Lakhan Sah
 - 2(a) Mosmat Chandrakala Devi, wife of Late Yogendra Sah
 - 2(b) Bipin Kumar Sah
 - 2(c) Vijay Kumar Sah
 - 2(d) Kishmohan Kumar Sah, all sons of Yogendra Sah
 - 2(e) Mintra Devi, wife of Anil Sah
 - 2(f) Malti Devi, wife of Japani Sah
 3. Devendra Sah
 4. Rajendra Sah
 5. Nebudi Sah, all sons of Harihar Sah
 - 7(a) Mostt. Sugia Devi, wife of Harihar Sah
 - 7(b) Kari Devi, wife of Ram Kewal Sah and D/o Harihar Sah
 - 7(c) Premsheela Devi, wife of Ram Pukar Singh, D/o Harihar Sah
- All residents of Mauza Chandpura Bazar (Rasalpur Habib) P.S. Desri District Vaishali.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Chadra Mauli Kuamr
Mr. Bipin Kr. Sinha

For the Respondent/s : Mr. Bimlesh Kr.
Mr. Bishwa Nath Singh N.1

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

22 26-11-2015

Nobody appears on behalf of the appellant.

Perused the office notes, from which it transpires that
this appeal has stood dismissed as against respondent No.

1(b)(iii). It appears from the record that respondent No. 1(b)(iii) was one of the substituted heirs of the deceased respondent No. 1(b). The said respondent No. 1(b)(iii) has been arrayed in the category of plaintiff-respondent in this appeal.

As no body has appeared on behalf of the appellant to point out that this appeal can proceed in absence of respondent No. 1(b)(iii), proceeding further with this appeal may result in inconsistent orders or decrees. As such, this appeal is dismissed as incompetent.

(V. Nath, J.)

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