

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.475 of 1988

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Mahant Mahto			Appellant/s
Versus			
Rajendra Mahto			Respondent/s

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Appearance :
For the Appellant/s : Mr. Madhusudan Kr.
Mr. Manendra Kr.
For the Respondent/s : Mr. Umesh Kumar Singh
Mr. Ravi Shankar Dwivedi
Mr. Viveka Nand Pathak
Mr. Shambhu Sharan Singh

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

12 29-07-2015 Perused the office note dated 28.07.2015.

According to the office note, this appeal has already been dismissed for default against respondent nos.1 to 3 for non-compliance of the Court’s peremptory order dated 09.12.2014.

From perusal of the memo of appeal, it appears that there are only three respondents and plaintiffs are the appellants. Now, therefore, in absence of the respondents in whose favour the decree has been passed by the court below, the said decree neither can be modified, altered nor set aside. Therefore, the appeal has become incompetent to proceed.

Accordingly, this first appeal is dismissed.

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(Mungeshwar Sahoo, J)