

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**First Appeal No.516 of 1988**

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Sukhdeo Singh & Ors.

.... .... Appellant/s

Versus

Dinanath Singh & Ors.

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Janardan Pd.Singh 2

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR**  
**SAHOO**  
**ORAL ORDER**

7 29-10-2015

Perused the office note dated 27.10.2015.

This First Appeal arises out of partition suit filed by the plaintiffs-appellants. The partition suit of the plaintiffs has been dismissed by the impugned judgment.

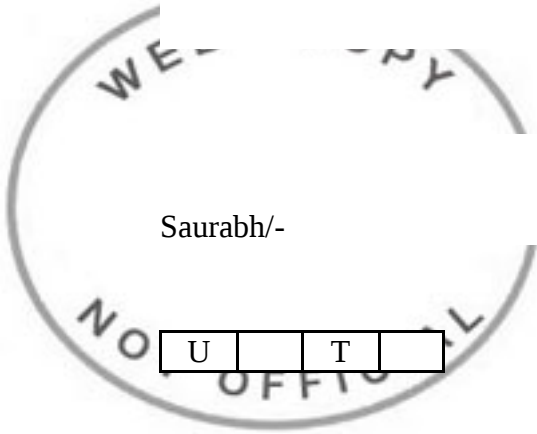
From perusal of the impugned judgment, it appears that respondent Nos.1, 8, 9, 10(ka) to 10(chha) had filed written statement and they had contested the suit.

According to the office note, the appeal has already been dismissed against respondent Nos.1, 4 to 9, 9(ka) to 9(gha), 9(cha), 10, 11 and 15. Further, the appeal has abated against the respondent Nos.2, 3, 12 to 14. Therefore, the appeal has already been dismissed against the contesting defendants-respondents.

In my opinion, therefore, in absence of the said respondents, the appeal cannot proceed as in their absence, neither the impugned judgment can be varied nor set aside nor altered. I,

therefore, find that this appeal has become now incompetent.

Accordingly, this First Appeal is dismissed.



**(Mungeshwar Sahoo, J)**