

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.437 of 1991

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1.(a). Baso Devi
1.(b). Lav Kumar Singh
1 (c). Veena Devi
1.(d). Anita Devi, residents of Village Hatia, P.S. Bakhtiyarpur, District Patna
2. Kapil Deo Singh alias Kapil Deo Narayan Singh, son of Rama Singh alias Ram Prasad Singh, resident of Village Rajpur, Ghoswari, P.S. Bakhtiyarpur, District Patna
..... Intervenor defendants Appellants
..... Appellants

Versus

1. Gauri Shanker Prasad Singh
2. Sheo Kumar Singh
3. Ram Prabesh Prasad Singh, all sons of Suraj Narain Singh
4. Smt. Kanti Devi, daughter of Suraj Narain Singh, wife of Surendra Prasad Singh of Village Nadama, P.S. Barh, District Patna now Barh.
5. Sabitri Kumari, daughter of Suraj Narain Singh (deceased) Nos. 1 to 3 and 5 residents of Village Sheikh Moham Madpur alias Fulelpur, Pergana Geyaspur, P.S. Barh, District Patna Plaintiff Respondent 1st party
6. Smt. Sundermani Devi, wife of Sri Chandeshwar Sharma, at present resident of Mohalla Raja Bazar, P.S. Gardanibagh, Patna District Patna
7. (a) Rajeeb (Minor)
(b) Rakesh (minor), Minors under the guardianship of their uncle narendra Sharma, residents of Village Jamalpur, P.S. Athmal Gola, District patna
8. Smt. Madhuri Devi, daughter of late Dwarika Singh of Village Hatia, P.S. Bakhtiyarpur, District Patna Respondents 2nd party (principal defendants)
9. Hari Narain Singh, son of Rashdhari Singh, resident of Village Hatia, P.S. Bakhtiyarpur, District Patna now Barh
..... Respondent 3rd set (defendants)
..... Respondents

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Appearance :

For the Appellant/s : Mr. Shailendra Kumar
Mr. Gopal Tiwary
Mr. Kalpana Rastogi

For the Respondent/s : Mr. Rajendra Kishore Pd.
Mr. Sheoji Singh
Mr. Mr.Arun

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

16 22-12-2015 Nobody appears on behalf of the appellants. Learned Counsel for respondent Nos. 1 to 3 is present.

Perused the office notes, from which it transpires that this appeal has stood dismissed as against respondent Nos. 4 and 6 as also against respondent Nos. 7(a) and 7(b) for non compliance of the order of this Court. From the records it transpires that respondent No. 4 was one of the plaintiffs in the court below. It also appears from the record that nobody had turned up on behalf of the appellants on the last occasion also.

After dismissal of this appeal as against respondent No. 4 this appeal now cannot proceed against the remaining respondents as the same may result in conflicting orders or inconsistent decrees.

As such this appeal is dismissed as incompetent.

(V. Nath, J.)

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