

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.64 of 1991

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1. Nazamuddin @ Neyazuddin
2. Israil, both sons of Amjad Mian, residents of Village Telhara, Udaiganj,
P.S. Kutumba, District Aurangabad
..... Plaintiffs Appellants
..... Appellants

Versus

1. Amna Khatoon, daughter of Abbas Mian
2. Nazim Rasaul
3. Jasimuddin, both sons of Abdul Gafoor
4. (a) Bebi Kilabni, wife of Abdul Ghafoor
4.(b) Akhtar Hussain,
4.(c) Md. Havaid
4.(d) Md. Mumar, all sons of Abdul Ghafoor
4.(e) Hasbun Nissa, daughter of Abdul Ghafoor
5. Ramdeo Sao, son of Briksh Sah, all residents of Village Telhara,
Udaiganj, P.S. Kutumba, District Aurangabad
.... Defendants. Respondents
6. Asghar
7. Ishlam, both sons of Late Ibrahim, residents of Village Telhara,
Udaiganj, P.S. Kutumba, District Aurangabad
..... Plaintiffs Appellants

.... Respondents

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Appearance :

For the Appellant/s : Mr. S.S.Neyer Hussain
Mr. Abbas Haider

For the Respondent/s : Mr. Bhanu Pratap Singh
Mr. D.K.Tondon
Mr. J.P.Singh -2
Mr. Manindra Kishore
Mr. S.K.Jha

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

16 07-12-2015 Heard learned Counsel for the appellant and perused the
office notes.

It transpires that this appeal stood dismissed for default as
against respondent Nos. 4(a) and 4(e). From the record it further
transpires that respondent Nos. 4(a) to 4(e) have been described as

defendant-respondents in the memo of appeal, which has been filed against the judgment and decree of affirmance.

It could not be shown on behalf of the appellant that the impugned decree is severable with regard to respondent Nos. 4(a) to 4(e). In that view of the matter, proceeding further with this appeal may result in inconsistent orders and conflicting decrees.

As such, this appeal is dismissed as incompetent.

(V. Nath, J.)

Snkumar/-

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