

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.264 of 2001

Canara Bank & Anr

Versus

Ranbaxy Laboratories Ltd.& Ors

.... Appellant/s

.... Respondent/s

Appearance :

For the Appellant Canara Bank : Rajan Ghoshrave, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

14 30-06-2015 Learned counsel for the appellants submits that respondents no. 2 and 3 have closed their business at Biharsharif and it is difficult to search out their present and correct address and, as such, the appellants are unable to take steps for fresh service of appeal notice on them.

Perused the record. This appeal has been filed against the judgment and decree passed in Money Suit No. 17 of 1994 whereby and whereunder the suit of the plaintiff was decreed against the appellant no. 2 and appellant no. 2 was directed to pay the decretal amount within two months from the date of decree failing which the plaintiff/respondent no. 1 shall be entitled to recover the same through the process of the law. The appellants have already paid sum of Rs. 3,10,000/- by Demand Draft No. 641416 dated 07.03.2005 towards full and final settlement of the claim of respondent no. 1 and respondent no. 1 issued a letter of

satisfaction and accordingly, I. A. No. 2693 of 2005 was filed on behalf of appellant to withdraw the appeal against respondent no. 1 and accordingly, order dated 09.11.2005 was passed by this Court and the name of respondent no. 1 was expunged from the memo of appeal.

Since the name of respondent no. 1 has already been expunged and the decree under appeal has been fully satisfied by the appellants and against respondents no. 2 and 3 there is no relief and further the appellants are unable to take steps for fresh service of appeal notice on them, this appeal is dismissed in default.

(Jitendra Mohan Sharma, J)

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