

IN THE HIGH COURT OF JUDICATURE AT PATNA

Second Appeal No.307 of 2004

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1. The State of Bihar through the Collector, Bhagalpur
 2. The Joint Director, Agriculture Department, Bhagalpur
.....DefendantsAppellants Appellants

Versus

1. Ashwani Kumar Ghosh, son of Late Jeotish Chandra Ghosh
 2. Sri Priyaranjan Banerjee, son of Late Lalit Mohan Banerjee, both resident of Mohalla Tilka Manjhi, P.S. Kotwali, District Bhagalpur Respondent 1st party
 3. Sri Mithilesh Jha, saon of Latge Loknath Jha, resident of Village Lakhpura, P.S. Panjwara, District Bhagalpur, at present Mohalla Tilka Manjhi P.S. Kotwali, District Bhagalpur Respondent 2nd party
.... Respondents
- =====

Appearance :

For the Appellant/s : Mr. Sunita Kumari
For the Respondent/s : Mr. Alok Kumar Choudhary
Mr. Anjana Mishra
Mr. Archana Pd (Jc To Gp3)

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

14 06-10-2015

Heard learned Counsel for the appellants.

Perused the office note, from which it transpires that this appeal has already stood dismissed as against respondent Nos. 2 and 3 as time barred after dismissal of the limitation petition as against those respondents.

From perusal of the records it appears that respondent No. 2 was one of the plaintiffs in the suit and the respondent No. 3 was one of the defendants in the suit.

On behalf of the appellants it could not be shown that this appeal can proceed in absence of respondent Nos. 2 and 3. In that view of the matter, proceeding further with this appeal with

respondent No. 1 alone may result in inconsistent orders and decrees. Therefore, this appeal is dismissed as incompetent.

(V. Nath, J.)

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