

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.154 of 2005

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1. Most.Yashoda Devi
2. Most. Chhatia Devi, both wives of Late Rudal Mishra, resident of
Village Matiarua, P.S. Harsidhi, P.O. Makhua, District East Champaran
.....Plaintiffs Appellants

.... Appellants

Versus

1. Vijay Kant Mishra
2. Ajay Kant Mishra, both sons of Late Singhasan Mishra
3. Hridyapati Devi
4. Usha Devi, both daughters of Late Singhasan Mishra
resident of Village Matiarua, P.S. Harsidhi, P.O. Makhua, District East
Champaran

.....Defendants Respondents

.... Respondents

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Appearance :

For the Appellant/s : Mr. Rajendra Narain
Mr. Anju Narain

For the Respondent/s : Mr.
Mr. Rajesh Ranjan-1

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

13 02-09-2015

Heard learned Counsel for the appellants and also perused the office note, wherein it has been pointed out that this appeal has stood dismissed as against respondent No. 3 for failure of the appellants to take steps for substitution of heirs and legal representatives of the deceased respondent No. 3.

It transpires that the said respondent No. 3 was also respondent No. 3 in the appellate court below. Learned Counsel for the appellants though has submitted that the persons already on record are representing her interest, but has also submitted that there was no separate relief against the said respondent No. 3 Hridyapati Devi and the decree is joint and in severable.

In that view of the matter, proceeding further with this appeal may result in inconsistent decree or orders and, as such, this appeal is held to have become incompetent after its dismissal as against respondent N o. 3 and is, accordingly, dismissed.

(V. Nath, J.)

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