

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.306 of 1998

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Saheed Mian, son of Sher Mian, resident of Village Mirganj Bazar, PS
Mirganj, District Gopalganj

..... Defendant Appellant

.... Appellants

Versus

1. Anirudh Jee, son of Lakshgman Sah, resident of Village Mirganj, PS
Mirganj, District Gopalganj
 2. Basiran, Daughter of Chand Mian
 3. Muslim, son of Chand Mian
 4. Emam Hussain, son of Isha Mian
- All residedens of Village Mirganj , PS Mirganj, District Gopalganj

.... Respondents

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Appearance :

For the Appellant/s : Mr. Brajesh Sharma
Mr. Syed Masood Manzar Ahsan
Mr. Rama Sinha

For the Respondent/s : Mr. Basant Kumar Singh
Mr. Indrajit Kumar Singh
Mr. Raghav Prasad

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

16 24-07-2015 Nobody has appeared on behalf of the appellant. It appears from the order sheet that nobody appeared on behalf of the appellant on the earlier two occasions also.

The Interlocutory Application (I.A. No. 4825 of 2015) has been filed on behalf of the respondent no. 1 stating therein that the sole appellant Saheed Mian died on 20.3.2013. It also transpires from the records that no counter affidavit has been filed denying the aforesaid averments made in the said Interlocutory Application. There is no petition praying for substitution of the heirs of the deceased sole appellant.

In view of the aforesaid uncontroverted statements made

by the respondent no. 1 in the Interlocutory Application (I.A. No. 4825 of 20150, there is now no appellant in this appeal. In this view of the matter, this appeal cannot proceed in absence of the appellant on record.

This appeal is dismissed as incompetent.

(V. Nath, J.)

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