

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.205 of 2011

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Smt. Kanti Devi & Ors

.... Appellant/s

Versus

Raj Balam Singh & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Satish Kumar Sinha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

20 09-07-2015

Heard the learned counsel for the appellants as well

as the learned counsel for the respondent nos. 1 and 2.

The matter has been placed today for consideration of the competency of the appeal after its dismissal as against respondent no. 3, 5 to 11 and 14 to 17. It transpires from the impugned judgment that the defendant nos. 3, 6, 7 and 9 have filed their written statement and contested the suit along with defendant nos. 1 and 2.

Mr. Sanjay Singh, the learned counsel for the respondent nos. 1 and 2 has submitted that the relief in the suit was claimed against all the defendants who have been impleaded as respondents in this appeal. The learned counsel for the appellants, however, has submitted that the aforesaid defendant-respondents against whom this appeal has been dismissed have not contested the suit. This fact, however, appears to be not

correct from the records. As such, proceeding further with this appeal with the remaining respondents may result in inconsistent decree/order.

The appeal is accordingly dismissed as incompetent.

(V. Nath, J)

Devendra/-

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