

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.116 of 1976

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Ramanand Singh & Anr

.... Appellant/s

Versus

Ram Deyal Singh & Ors

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Thakur Pd. Mr. Chandra Mauli Kumar Pd. Mr. Manjula Sinha Mr. Ravi Shankar Pd. Mr. Sujeet Kumar Sinha Mr. Shashi Shekhar
For the Respondent/s	:	Mr. Sudarshan Chaudhary

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

55 18-07-2016 Perused the office note dated 15.7.2016.

It appears that respondent No.1 was one of the plaintiff in the Court below. The partition suit had been decreed in favor of the plaintiff respondent No.1 along with other respondent. According to the office note, the appeal has already been dismissed against respondent No.1(i) to 1 (iv). Therefore now the partition decree is final so far the deceased respondent No.1 is concerned. Since the decree is passed in partition suit now in absence of the co-sharer, i.e., heirs of the deceased respondent No.1, the judgment and decree passed by the trial Court cannot be either varied or set aside or modified.

In my opinion, therefore, the whole Appeal will become incompetent to proceed. Thus, this Appeal is dismissed as incompetent.

Sanjeev/-

(Mungeshwar Sahoo, J)

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