

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.479 of 1978

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Rajeshwar Pd. Singh & Ors

.... Appellant/s

Versus

Deonandan Singh & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Mr. Ambika Kant Sinha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

7 29-08-2016

Perused the office note dated 26.08.2016.

It appears that notices were issued to the appellants for engaging another Advocate as the learned counsel who had filed the First Appeal has died. Service report has been received to the effect that all the three appellants before this High Court in this First Appeal have already died.

From perusal of this service report, it appears that this report submitted by process server is dated 24.5.2016. According to this report, all the three appellants have died earlier. Therefore, admittedly, 90 days has expired but no substitution has been filed.

In view of the provision as contained in Order 22 Rule 4 Sub Rule 3 CPC, the appeal has automatically abated against the appellants. Now, therefore, since there is no appellant, this Appeal has become incompetent to proceed.

Accordingly, this First Appeal is dismissed as abated.

Sanjeev/-

(Mungeshwar Sahoo, J)

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