

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.312 of 1984

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Ram Saran Lal & Anr Appellant/s

Versus

Sahodari Devi & Ors Respondent/s

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Appearance :

For the Appellant/s : Mr. B.P.Sinha
Mr. G.C.Pd.
Mr. Ashok Kumar
Mr. D.D.Mishra
Mr. Chitra Gupta Prasad
Mr. Amar Prakash

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

12 09-11-2016 Perused the office note dated 08.11.2016.

The plaintiff-respondent No.1 had died and her name was deleted on the ground that her only legal representative is on record as respondent No.2. The appellants were directed to take steps for notice on respondent No.2 after declaring him as major. According to office note, for non-compliance of the peremptory order, the appeal has already been dismissed against respondent No.2. The judgment and decree is in favour of plaintiff- respondent Nos. 1 and 2 only. The other respondents were defendants in the court below. Now, in absence of the plaintiff-respondent, the judgment and decree impugned neither can be set aside nor can be altered or modified. The appeal arises out of partition suit. Thus, in my opinion, the whole appeal has become now incompetent to proceed. Accordingly, the first appeal is dismissed.

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(Mungeshwar Sahoo, J)