

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.664 of 1985

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Budhia Devi & Ors

.... Appellant/s

Versus

Bihaspal Mahton & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Nand Kishore Pd.-2

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

16 11-04-2016

Perused the office note dated 08.04.2016.

It appears that the plaintiff's suit for declaration with regard to the sale deed in favour of the defendants has been dismissed. The defendant Nos.1, 2, 5, 6 and 10 had also filed contesting written statement and they contested the suit. According to the office note, the appeal has already been dismissed against respondent No.1, 2 and 5 to 10.

Since the appeal has been dismissed against contesting defendant-respondent Nos.1, 2, 5, 6 and 10, in their absence, the impugned judgment and decree neither can be varied, set aside or altered and, therefore, the whole appeal has become now incompetent.

Accordingly, this First Appeal is dismissed as incompetent.

(Mungeshwar Sahoo, J)

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