

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.338 of 1985

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Ram Narain Sah & Ors

.... Appellant/s

Versus

Hanuman Sah & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dronacharya
Mr. Shyam Nandan Thakur
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

12 21-04-2016

The learned counsel for the appellants submitted that he has got no instruction.

From perusal of the office note dated 13.04.2016, it appears that the appeal has already been dismissed against the contesting defendant-respondent. From perusal of the judgment, it appears that the appeal has been dismissed against the respondents who had filed contesting written statement and had contested the suit in the Court below.

In view of the above factual position, in absence of the contesting defendant-respondent, the judgment and decree impugned neither can be altered nor modified. Therefore, this First Appeal has become now incompetent to proceed.

Accordingly, this First Appeal is dismissed.

(Mungeshwar Sahoo, J)

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