

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.364 of 1983

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Raghunath Mahto & Ors

.... Appellant/s

Versus

Parsan Mahto & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Devendra Pd.Sinha

For the Respondent/s : Mr. Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

15 02-09-2016

Learned counsel Mr. Devendra Prasad Sinha for the appellants submitted that the appellants have communicated to him that they are not interested in pursuing this First Appeal.

From perusal of the office note dated 31.08.2016, it appears that the appeal has already been dismissed against respondent nos.2 to 4.

From perusal of the memo of appeal, it appears that respondent no.1 has died. Now, therefore, the appeal has been dismissed against the plaintiffs-respondents in favour of whom the impugned judgment and decree has been passed. In such circumstances, in absence of the plaintiffs-respondent nos.1 to 4 the impugned judgment and decree neither can be altered nor modified nor it can be set aside. Therefore, the whole appeal has become incompetent to proceed. Accordingly, this First Appeal is dismissed.

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(Mungeshwar Sahoo, J)