

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.633 of 1986

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Nalni Hansdah & ors			Appellant/s
Versus			
Shanti Devi & ors			Respondent/s

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Appearance :
For the Appellant/s : Mr. Sukumar Sinha
For the Respondent/s : Mr. Chitra Gupta Prasad

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

30 02-09-2016 Nobody appears on behalf of the appellants or the respondents when this appeal has been called out for hearing repeatedly.

It, however, transpires from the order dated 13.1.2006 that on the basis of submission made on behalf of the appellants that respondent No. 8 was dead the appeal was adjourned for three weeks in order to enable the appellants to ascertain the actual date of death of respondent No. 8. It does not appear from the records that any step for substitution with regard to deceased respondent No. 8 has been taken on behalf of the appellants up till now.

From the record it appears that respondent No. 8 was one of the plaintiffs in the suit, which was decreed and the appeal thereafter by the defendants has been dismissed by the judgment and decree impugned in this appeal. As such, proceeding further with this appeal may result in inconsistent orders and conflicting decrees, as the decree passed in favour of respondent No. 8 has already attained finality.

This appeal is therefore dismissed as incompetent.

Snkumar/-

(V. Nath, J)

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