

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.348 of 1985

=====

Ramashray Singh & Ors

.... Appellant/s

Versus

Smt.Ghurni Devi & Ors

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Basant Kr.Chy.
Mr. Shyam Kishore Sharma
Mr. Jayanandan Singh

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

12 20-09-2016 Perused the office note dated 19.09.2016, the order dated 17.08.2016 and the office note dated 08.08.2016.

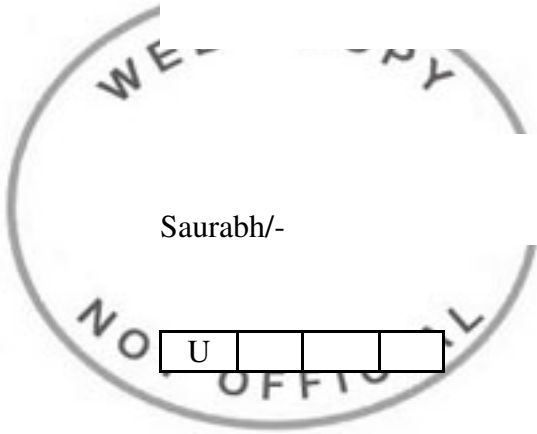
It appears that the appeal has already been dismissed against respondents mentioned in the office note dated 08.08.2016 including the respondent Nos.3 and 4.

From perusal of the impugned judgment, it appears that the suit was contested by the defendant Nos.3 and 4 by filing joint written statement and the plaintiff-appellant's suit for partition has been dismissed on contest by the said defendants.

In view of the above facts and circumstances of the case, now in absence of the defendant-respondent Nos.3 and 4, the judgment and decree impugned in this First Appeal neither can be set aside nor can be modified nor can be altered. Therefore, the

whole appeal has become incompetent.

Thus, this First Appeal is dismissed.



Saurabh/-

U			
---	--	--	--

(Mungeshwar Sahoo, J)