

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.290 of 1983

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National Small Industries Corporation Ltd. & Ors.

.... Appellant/s

Versus

M/S Bihar Ink Company & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. S.Karim
Mr. Raghiv Ahsan
Mr. K.P.Gupta

For the Respondent/s : Mr. Upendra Pd. Sinha
Mr. Madhuri Singh

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

15 22-08-2016

Perused the office note dated 20.08.2016.

From perusal of the record, it appears that the plaintiff-respondent Nos.1 and 2 filed Title Suit No.323 of 1978 for declaration that the defendants failed to perform their part of the contract, therefore, are liable to pay damage to the plaintiff. The suit has been decreed by the Court below. The defendants have filed the present First Appeal against the said judgment and decree.

In view of the office note, the First Appeal has already been dismissed against plaintiff-respondent Nos.1 and 2. Now, therefore, in absence of the plaintiffs, in whose favour the judgment and decree has been passed, the judgment and decree

neither can be altered, modified or set aside. In my opinion, therefore, this First Appeal has become now incompetent to proceed.

Accordingly, this First Appeal is dismissed.

(Mungeshwar Sahoo, J)

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