

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.115 of 1989

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1. Daso Paswan
2. Jitan Paswan, both sons of Natho Paswan
3. Gulo Paswan, son of Natho Paswan (name expunged)
4. Dulchan Paswan alias Dukhan Paswan, son of Daso Paswan
5. Ganesh Paswan, son of Jitan Paswan under the guardianship of Shri Jitan Paswan, father, guardian and next friend, all residents of Village Dumara Tola Ramnagar, P.S. Hathidah, District Patna
(Defendant 2nd party Appellants in the court below)

.... Appellants

Versus

1. Kapil Deo Singh, son of Nathuni Singh
2. (a). Most Shyama Devi, wife of Late Kedar Singh
2(b). Anandi Singh
2(c). Sunil Singh
2(d). Anil Singh
2(e). Dilip Singh
2(f). Gautam Singh, all sons of Kedar Singh, all residents of Village Dumara Tola Ramnagar, P.S. Hathidah, District Patna Plaintiffs
Respondents in the court below)

3. Mostt. Sheowarti Devi, widow of Late Lakhan Paswan (name expunged)
4. Bital Paswan, son of Late Lakhan Paswan (name expunged)
5. Muna Paswan
6. Bhagwan Paswan, both sons of Late Lakhan Paswan, all residents of Villager Rampur Dumra, P.S. Hathidah, District Patna (Defendants 1st party Respondents in the court below)
7. Samli Paswan, son of Shibn Paswan
8. Chandermauli Paswan, son of Samli Paswan, both resident of Village Rampur Dumra, P.S. Hathidah, District Patna (defendant 1st party Respondents in the court below)

.... Respondents

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Appearance :

For the Appellant/s : Mr. Madan Mohan No-1
Mr. Manu Shankar Mishra
Mr. Binod Murari Mishra

For the Respondent/s : Mr. J.P.Shukla
Mr. Shrideo Mishra
Mr. Sudhir Kumar Mishra

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

40 27-01-2016 Nobody appears on behalf of the appellants or the respondents.

Perused the office note, from which it transpires that the Interlocutory Application (I.A. No. 6637 of 2014) filed for substitution of the heirs and legal representatives of the deceased appellant No. 1 stood dismissed for default. There is nothing on record to show that this appeal can proceed in absence of the heirs and legal representatives of the deceased appellant No. 1.

In that view of the matter, this appeal is dismissed as incompetent.

(V. Nath, J.)

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