

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.150 of 1990

=====

MUKhtar Rai

.... Appellant/s

Versus

Rajendra Rai & Ors

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. S.C.Jha, Advocate
Mr.Mohit Raj, Advocate

For the Respondent/s :

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

20 15-11-2016

From perusal of the office note dated 08.11.2016 as also on examination of the ordersheets of the present First Appeal it appears that despite orders/directions dated 08.01.2016 as also 19.10.2016 passed by co-ordinate Benches of this Court, the learned counsel appearing on behalf of the appellant has not filed requisites etc. for issuance of fresh appeal notice upon the respondent nos. 2, 11, 16 and 21. He has also not filed any substitution petition though respondent nos. 3, 5 and 12 are reported to be dead.

However, for the ends of justice, as prayed by the learned counsel for the appellant, two weeks' further time is granted for filing requisite etc. for issuance of fresh appeal notice upon the respondent nos. 2,11,16 and 21, both by ordinary process as well as under registered cover with A/D at their present and correct address, failing which the present First Appeal as against them shall stand rejected without further reference to the Bench.

Similarly, two weeks' further time is granted, subject to law of limitation, for filing substitution petition vice deceased respondent nos. 3, 5 and 12, failing which the present First Appeal as against them and their heirs and legal representatives

shall be construed to have abated and consequently, whole First Appeal shall stand dismissed without further reference to the Bench on the ground of having become incompetent.

(Birendra Prasad Verma, J)

Tahir/-

U			
---	--	--	--