

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.469 of 1991

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Ganesh Pd. Tatma & Ors

.... Appellant/s

Versus

Most.Anita Devi & Ors.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Alok Chandra Prasad
Mr. Gopal Shankar

For the Respondent/s : Mr. Ray Shivaji Nath
Mr. Smita Verma
Mr. Shantanu Sharma
Mr. Indrajeet Singh
Mr. Devi Das Srivastava

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

10 27-09-2016 Heard Mr. Ray Shivaji Nath, learned Senior Counsel appearing for the respondents, on whose behalf the Interlocutory Application (I.A. No. 5225 of 2015) has been filed. It has been stated by the learned Senior Counsel that the advocate appearing for the appellants has refused to accept copy of the Interlocutory Application (I.A. No. 5225 of 2015) and, therefore, a copy of the same has been filed and is attached with the brief of this case.

It has been submitted that respondent Nos. 1, 3 and 6 in this appeal were plaintiffs in the suit and they died on 23.3.2014, 11.10.2013 and in the year 1996 respectively, but no steps for substitution of their heirs and legal representatives has been taken so far by the appellants. On this basis, it has been submitted that this appeal has abated as against the aforesaid respondents and further this appeal has become incompetent as proceeding further

with this appeal in absence of those respondents or their heirs may result in inconsistent order or conflicting decrees.

None is present on behalf of the appellants.

After considering the aforesaid submission this appeal is dismissed as incompetent.

(V. Nath, J.)

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