

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.389 of 1991

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Smt. Kusum Devi & Ors.

.... Appellant/s

Versus

Sri Manik Chand & Ors.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rabindra Kr.Sinha
Mr. Mahesh Prasad
Mr. Om Prakash Jha

For the Respondent/s : Mr. Dinu Kr.
Mr. Ranjeet Narayan
Mr. Dinesh Kr.Gupta

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

13 02-09-2016 Nobody appears on behalf of the appellants in spite of repeated calls for hearing of this appeal.

 This appeal has been filed by the plaintiffs against the judgment and decree of affirmance dismissing the suit for eviction from the suit premises. By order dated 21.9.2001 the competency matter of this appeal, after its dismissal as against respondent Nos. 1 to 3, 5 to 7 and 9, was directed to be considered at the time of hearing. It does not appear that any step has been taken on behalf of the appellants for restoration of this appeal as against the aforesaid respondents so far after its dismissal against them for non compliance of the order dated 19.5.2000.

 In view of dismissal of this appeal as against respondent Nos. 1 to 3, 5 to 7 and 9, some of whom had contested the suit by filing written statement, proceeding further with this appeal in absence of those respondents may result in inconsistent orders and

conflicting decrees. As such, this appeal is held to have become incompetent and is dismissed as such.

(V. Nath, J.)

Snkumar/-

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